THE JOURNAL OF RESEARCH REVIEW

P-ISSN: 3006-2632	E-ISSN: 3006-2640
Vol. 2. No. 01 (Jan-Mar) 2025	Page 219-228

Trademark Counterfeiting in Pakistan: A Critical Analysis of the Legal Framework

Amara Amir	Assistant Professor, Law School, National University of Sciences and Technology, Islamabad. amara@nls.nust.edu.pk
Rabia Zafar	Lecturer, School of Law, Bahria University Islamabad. rabiazafar.buic@bahria.edu.pk
Muhammad Rafi	Lecturer, School of Law, Bahria University Islamabad. mrafi.buic@bahria.edu.pk

Abstract: *Trademark counterfeiting is an important issue in Pakistan which is posing substantial challenges to the protection of trademark rights and intellectual property rights. This paper provides a comprehensive analysis of the legal framework which is governing trademark counterfeiting in Pakistan. It explores the constitutional, statutory, and procedural laws that are dealing with trademark violations, including the Trade Marks Ordinance, 2001, Pakistan Penal Code, 1860, Customs Act, 1969, Drugs Act, 1976, and Competition Act, 2010. This study evaluates the strengths of the existing legal framework on the basis of analysis of these laws. However, the research highlights several weaknesses, including ambiguous definitions, inadequate penalties, and weak enforcement mechanisms, etc. This study recommends legislative reforms with an aim to improve institutional strength, and the use of technology-based enforcement mechanisms to combat trademark counterfeiting more effectively. This study concludes that a multifaceted approach which combines legal reforms, capacity building, and public awareness is essential to protect trademark rights and to promote fair competition in Pakistan's market.*

Keywords: Trademark Counterfeiting, Intellectual Property Rights, Legal Framework, Enforcement Mechanisms, Pakistan, IPO Pakistan, Trademark Protection.

1. Introduction

Trademarks serve as essential tools in the modern economy through distinguishing goods and services of one business from those of others. They are essential in building brand reputation, in fostering consumer trust, and promotion of fair competition in the market. The implication of trademark protection lies in its ability to prevent unauthorized use of distinctive signs that represent the quality and origin of products. Counterfeiting trademarks (CT) not only undermines the rights of trademark owners but also misleads consumers and damages the overall business environment. The importance of trademark protection is further augmented in international economy, where counterfeit goods pose substantial threats to legitimate businesses, consumer health, and economic growth (Buadze et al., 2020; Crass & Schwiebacher, 2017; Mossinghoff, 1984).

In Pakistan, where the market is vulnerable to widespread counterfeiting, there justice system needs a strong trademark protection to uphold commercial integrity and to attract foreign investment (Amir et al., 2025). CT is a substantial challenge in Pakistan, it is affecting various sectors of the economy including pharmaceuticals, consumer goods, electronics, textiles, and luxury products. The prevalence of CT of goods not only undermines the intellectual property rights of trademark owners but also poses risks to public health and safety (Arfat & Hussain, 2024). The rise of e-commerce platforms has further facilitated the sale and distribution of counterfeit products and thereby making enforcement efforts more complex. Despite the existing legal framework, the lack of stringent enforcement, coupled with limited awareness regarding legal framework among consumers, has allowed CT to flourish. To addressing this issue, it requires a multi-faceted approach which involves legislative reforms, and enhanced enforcement mechanisms, and greater public awareness (Khayyam, 2017).

Trademark infringement (TI) is a widespread issue in both developed and developing economies, and this includes Pakistan. The enforcement of trademark violations has evolved historically from the common law tort of deceit and the concept of passing off (Carty, 1996) which became firmly established by the mid-19th century. This common law remedy remains available to trademark owners in Pakistan. These are frequently pursued alongside infringement claims for registered trademarks (N. U. Khan et al., 2016). In addition to being a civil wrong, trademark counterfeiting in Pakistan is also a criminal offence, that is punishable under the Pakistan Penal Code, 1860, (PPC) as well as various specialized laws of the state.

Pakistan's intellectual property legal framework has a long history. It is dating back to the early 1900s. The first law which deals with trademarks was the Merchandise Marks Act, 1889, which sought to curb the fraudulent use of trade symbols. This was later replaced by the Trade Marks Act, 1940. It was replaced by an updated version to deal with the more contemporary issues i.e., Trade Marks Ordinance, 2001. The current legislation offers a thorough and adaptable system, with an aim to meet the demands of modern trade and commercial practices (Amir et al., 2025). In Pakistan, before 2005, the regulatory frameworks for copyrights, patents, and trademarks were fragmented, with supervision which was divided among the Ministry of Education, Ministry of Industries, and Ministry of Commerce, respectively. Today, the Intellectual Property Organization (IPO) serves as the central body which is responsible for intellectual property matters. It is operating under the direct supervision of the Cabinet Division. The IPO is tasked with unifying IP management, to enhance service delivery, to raise public awareness, and to strengthen enforcement coordination across Pakistan (Murtiza et al., 2018).

Pakistan has attempted to adopt a revised set of intellectual property (IP) laws that are aligned with international standards, as a member of the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO), and a signatory to the TRIPS Agreement and the Paris Convention for the Protection of Industrial Property. The legal framework that are dealing with CT in Pakistan can be categorized into two distinct sets of laws. The first set explicitly identifies and takes counterfeiting as either a civil wrong or a criminal offence, while the second set deals with the issue indirectly. Within this framework, the national legislative regime that are governing trademarks includes key statutes such as the Trade Marks Ordinance, 2001, the PPC, the Customs Act, 1969, and the Drugs Act, 1976.

2. Research Objectives

This study seeks to answer the question: what are the existing laws that are primarily governing CT in Pakistan? The primary objectives of this research are to critically examine the legal framework that is currently governing CT in Pakistan and to analyze the legal enforcement mechanisms in place for combating CT. Furthermore, this study aims to identify the strengths and weaknesses of the existing legal and enforcement framework. This study will propose recommendations for strengthening trademark protection and enforcement in Pakistan.

3. Research Methodology & Structure of the Paper

This research is based on a qualitative approach; besides it also employs doctrinal legal research methods. To make this study, primary data has been collected from statutory laws, international treaties, case laws, and official reports and the secondary data has been gathered from academic journals, books, and reports from international organizations such as WIPO, WTO, and IPO Pakistan. Additionally, case law analysis has also been used to understand judicial trends and the practical implementation of trademark laws in Pakistan.

To structure this study, this paper is divided into several sections to ensure a comprehensive analysis of the topic: in its first section, introduction was provided which includes the background, objectives, and methodology of the research. Then the important segment of this paper is the legal framework in Pakistan, wherein analysis of relevant laws governing CT has been conducted. Moreover, in this paper, enforcement mechanisms, discussing the role of various enforcement agencies and judicial practices, has also been discussed. This paper also sheds light on procedural aspects, whereby attempt has been made to outline the procedural laws related to CT. Besides, critical analysis has been done to identify gaps in the legal and enforcement framework. This study also suggests legislative and institutional reforms in the end.

4. Legal Framework on Counterfeiting Trademark in Pakistan

The legal framework that is governing CT and its relevant aspects in Pakistan is multifaceted; it is drawing its powers from several key statutes. Primarily, the TMO is the basic law that provides the core legal structure for trademark registration and protection, besides, remedies for infringement. The PPC also criminalizes specific acts of CT, such as using false trademarks and possessing counterfeiting instruments. The Customs Act, 1969, also empowers customs officials to seize and detain CT and goods at the border, with an aim to preventing their entry into the market. Additionally, sector-specific laws like the Drugs Act, 1976, and the Competition Act, 2010, also offer further protections against counterfeiting within their respective domains. Here is the detailed analysis of these laws.

4.1. Constitutional Protection of Intellectual Property (Article 23 & 24)

The Constitution of Pakistan, 1973, as the supreme law of the land, holds precedence over all other legal enactments. It was enacted by the National Assembly on April 10, 1973, and enforced on August 14, 1973. It comprises twelve parts, divided into chapters, 280 articles, and five schedules. The Constitution clearly safeguards property and property rights under Articles 23 and 24, respectively (Constitution of Pakistan, 1973). Though these provisions do not explicitly extend protection to IP, the constitutional mandate for the Parliament to legislate on matters related to copyrights, inventions, designs, trademarks, and merchandise marks highlights the recognition of IP rights within the constitutional framework. This implicit acknowledgment highlights the foundational role of the Constitution in shaping Pakistan's IP regime.

4.2. Trade Marks Ordinance, 2001

The Trade Marks Ordinance, 2001 (TMO) serves as the primary legislation that is governing trademarks in Pakistan. It establishes provisions for the registration and enhanced protection of trademarks, with an aim to prevent the use of fraudulent marks, and it also deals with related ancillary matters. The TMO is structured into 14 chapters, comprising 134 sections and 4 schedules. Although it does not explicitly define CT, yet it incorporates key concepts such as "counterfeit trademark goods," "deceptively similar," and "dilution," which implicitly acknowledge the issue within the existing legal framework. The TMO outlines various acts which are constituting infringement of registered trademarks. It provides a broad scope of protection (Mukhtar et al., 2018). Additionally, it references the common law concept of "passing off" but does not offer a specific statutory definition for it (Trade Marks Ordinance, 2001).

Further, the TMO grants the proprietor of a trademark the right to seek legal remedies against infringers or counterfeiters in cases of registered trademark violations (Adil, n.d.). In instances of trademark infringement or counterfeiting, the proprietor may pursue compensation through various means, including damages, injunctions, account of profits, or any other relief typically available for the infringement of property rights. The law does not impose a specific limit on the amount of damages or monetary awards that can be claimed. The plaintiff is entitled to seek both lost profits and the profits unjustly gained by the defendant. Additionally, while a permanent injunction or relief can be obtained, the plaintiff may also secure a temporary injunction to prevent ongoing or imminent infringement (Naseem et al., 2024).

In a case, the plaintiff, Platinum Pharmaceuticals, owned the registered trademark "ZANIFLEX" for a medicinal product. The defendant, Stand Farm Pakistan, later registered and marketed a similar product under the trademark "ZANAFLEX." The plaintiff sought a temporary injunction to restrain the defendant from using the contested trademark. However, the High Court initially denied the injunction. It cited the plaintiff's delay in filing the lawsuit and noted that the defendant's product had already entered the market. The court observed that the plaintiff's inaction allowed the defendant to establish its business under the "ZANAFLEX" trademark. Despite an earlier directive from the Ministry of Health requiring the defendant to change the name due to its similarity to the plaintiff's trademark, the defendant continued using "ZANAFLEX." The plaintiff, being the first to register "ZANIFLEX" with both the Trademarks Registrar and the Ministry of Health, held the rightful claim to the trademark's first use. All three essential elements for granting a temporary injunction—prima facie case, balance of convenience, and irreparable harm—were satisfied in favor of the plaintiff. The court stressed that the defendant could not benefit from deliberately continuing to use a trademark like the plaintiffs. On appeal, the Division Bench of the High Court overturned the initial decision and granted the temporary injunction as preventive relief (*Platinum Pharmaceuticals Company (Private) Ltd. V. Stand Farm Pakistan (Private) Ltd. 2006*).

Furthermore, beyond standard legal actions, a trademark proprietor also has access to various remedies for infringement. Courts, as outlined in the TMO can mandate the erasure of wrong marks (Section 47), order the delivery of infringing goods (Section 48), or enforce the disposal and destruction of infringing material (Section 51). Furthermore, all rights and remedies available for trademark infringement also apply in cases of passing off. Additionally, Chapter IV of the TMO (Sections 53-66), provides for administrative border measures. It enables proprietors to treat infringing goods as prohibited by Customs Authorities (Section 53). This includes remedies for seizure by the Collector of Customs (Section 56) and potential forfeiture of goods (Section 58). The TMO also details procedures for the release of seized goods (Sections 59-60(6)). Subsequent legal action for infringement can be pursued in District Courts (Section 60), which are empowered to order the release or forfeiture of seized goods. If the court determines that no infringement occurred, it may require the applicant to compensate for losses incurred due to the seizure (Trade Marks Ordinance, 2001).

Moreover, in addition to the general protections offered to trademarks, the legislation also provides special safeguards for the well-known trademarks. The legal framework in Pakistan also acknowledges the concept of trans-border reputation which extends protection to internationally renowned foreign marks, even if they have not been used within the country. In cases of infringement or passing off regarding a well-known trademark, the owner is entitled to seek preventive remedies, such as an injunction, to prohibit the use of the infringing mark in Pakistan. This applies in two scenarios: firstly, when the infringing mark is used for identical or similar goods or services, and such use is likely to cause confusion; secondly, when the use of the mark results in the dilution of the distinctive quality of the well-known trademark. The determination of similarity between trademarks is measured on the basis of three criteria: visual, phonetic, and conceptual similarities. Visual similarity examines the appearance of the trademark, including textual content, color scheme, shape, size, etc. Phonetic similarity focuses on the pronunciation of the mark, whereas, the conceptual similarity evaluates the ideas. Since conceptual similarities lack an independent physical form, therefore, they are assessed from a distinct perspective (Z. Khan, 2014).

In a case of ARC International, plaintiff who was a French company of glassware and household items was owner of the trademark "LUMINARC" with an impression displaying Archer Device, since 1948. The grievance of the plaintiff was that the defendants deceptively used trademark "LUNIMARC" with an impression displaying an Archer Device in a reverse position which was plaintiff's style. Plaintiff pleaded its ownership of the well-known trademark “LUMINARC”; used internationally since 1948 and that the defendants were manufacturing products under the imitated trademark “LUNIMARC” it was causing deception to the consumers as to the source of the goods by passing off their products resembling that of the plaintiff’s. The imitated word “LUNIMARC” was deceptively similar with respect to the spellings as well as pronunciation. The plaintiff prayed for a restraining order against the defendant from using the imitated trademark “LUNIMARC” and the imitated Archer Device, meeting the criteria of well-known trademark worldwide as embodied in the TMO. The High Court on the case being proved granted interim injunction (*ARC International v. Ahmer Mansoor, 2012*).

4.3. Pakistan Penal Code, 1860

The cornerstone of the CJS is the PPC is a comprehensive substantive law that outlines offences, punishments, and defenses across its 23 chapters and 511 sections. It was enacted on October 6, 1860, and still the PPC remains a foundational legal document. It also addresses intellectual property crimes, including trademark counterfeiting, and prescribes penalties for such violations. Specific provisions criminalize acts such as the use of a false trademark (Section 480), CT or property mark used by another (Section 483), creation or possession of tools for CT or property marks (Section 485), and selling goods bearing CT or property marks (Section 486), as outlined in Annexure B. These offences are punishable by imprisonment, fines, or both, as specified in the relevant sections of the PPC (Pakistan Penal Code, 1860).

4.4. Customs Act, 1969

As stated in its preamble, the Customs Act, 1969, serves as the regulatory framework for the levy and collection of customs duties on imports and exports within Pakistan. This statute is comprising of 20 chapters, 224 sections, and 4 schedules. It also plays a crucial role in intellectual property protection. Specifically, Chapter IV, Section 15, clauses (a), (c), (d), and (f) of this Act prohibits the import or export of counterfeit goods or goods bearing CT that are manufactured for sale and violate specified intellectual property rights in or from Pakistan. Thus, the Customs Act provides a mechanism for proprietors to seek protection from infringing goods at borders of Pakistan (The Customs Act, 1969).

4.5. Drugs Act, 1976

The Drugs Act, 1976, was enacted on May 11, 1976. As outlined in its preamble, it was structured into five chapters and 45 sections, regulates the import, export, manufacture, storage, distribution, and sale of drugs in Pakistan. Although the Act does not explicitly define "trademark counterfeiting," yet, it deals with the issue indirectly through its definitions of "counterfeit drug" (Section 3(f)) and "spurious drug" (Section 3(zb)). A "counterfeit drug" is characterized as a drug whose label or packaging closely imitates or resembles that of another manufacturer, whereas a "spurious drug" refers to products that falsely represent their active ingredients, manufacturer, origin, or identity. These definitions indirectly acknowledge violations related to trademarks and patents. Chapter III of this Act, particularly Section 23(1)(a), explicitly prohibits the import, export, manufacture for sale, or sale of spurious or counterfeit drugs. Such actions are classified as offences and they are punishable under Section 27 of the Act, as further detailed in its Annexure C (The Drugs Act, 1976).

This law provides a dual system of remedies for drug-related offences. Inspectors are empowered to seize drugs, materials, and articles suspected of being evidence of an offense (Section 18(1)(f)), prior to formal legal proceedings. They can also lock and seal premises where drugs are manufactured, stored, or sold in violation of the Act (Section 18(1)(h)). Upon conviction, this law also prescribes penalties which includes imprisonment and fines (as detailed in Section 27), forfeiture and destruction of drugs (Section 29), and cancellation or suspension of licenses (Section 41), as outlined in Annexure C. These penalties also extend to corporate bodies and legal people (Section 34). However, prosecutions under this law can only be initiated by a Federal or Provincial Inspector, and all trials for drug-related offences must be conducted in a Drugs Court (Section 30).

4.6. Competition Act, 2010

The Competition Act, 2010, was enacted on October 13, 2010. As stated in its preamble, it aims to promote free competition and protect consumers from anti-competitive behavior. Although it does not directly deal with CT, it prohibits “fraudulent use of another’s trademark, firm name, or product labeling or packaging” as a deceptive marketing practice (Section 10(2)(d)). The proceedings under the Act are typically initiated by the Competition Commission upon receiving a written complaint from an undertaking or registered consumer association (Section 37), whereas, the formal proceedings commence only after an inquiry, that too, if deemed necessary in public interest. In cases of deceptive marketing practices, the Commission can order the restoration of market conditions and the cessation of prohibited practices (Section 31(1)(c)), confiscation or destruction of hazardous goods, and the imposition of monetary penalties (Section 38). Additionally, the Commission can also issue interim orders during proceedings to prevent serious or irreparable damage, but if it is in the public interest (Section 32(1)). However, before issuance of any orders, the Commission must provide a Show Cause Notice and an opportunity for a hearing to accused (Section 30) (The Competition Act, 2010).

In a case before the Competition Commission of Pakistan in 2010, BMW and Harley Davidson (BMW and HD), foreign companies with globally recognized logos, filed complaints against ACE Group of Industries (AGI) alleging deceptive marketing practices. BMW and HD, who had registered their trademarks in Pakistan, accused AGI of manufacturing and selling leather jackets bearing their renowned logos without authorization. It was an alleged violation of Section 10(2)(a), (b), and (d) of the Competition Act, 2010. After inquiry under Section 37, AGI, a sole proprietorship, admitted using the trademarks on its website but claimed ignorance of the relevant laws. However, the Commission initiated proceedings under Section 30 and issued a Show Cause Notice. It was deemed a clear intent to mislead. The Commission concluded that AGI had engaged in deceptive marketing practices under Section 10 and imposed a penalty of Rs. 2,50,000 (*BMW and Harley Davidson v. ACE Group of Industries, 2010*).

5. Procedural Aspects

In Pakistan, enforcement of trademark rights involves crossing various procedural pathways. For civil remedies, the Code of Civil Procedure (CPC), 1908, governs legal actions like obtaining temporary or permanent injunctions to halt infringement activities, claim of damages and compensation for losses that suffered due to these violations, and search and seizure orders to gather evidence, etc. Criminal procedures, under the Code of Criminal Procedure (CrPC), 1898, are also being utilized when pursuing criminal charges for CT, which deals with investigations and prosecutions. Border measures, as outlined in the Customs Act, 1969, enable trademark holders to notify customs authorities to detain and seize CT goods which are entering or leaving the country. Finally, there are the Trade Mark Rules, 2004, which provide detailed procedural guidance for trademark registration, opposition, and other administrative matters before the Trade Marks Registry.

5.1. Civil Remedies under CPC, 1908

The CPC is a comprehensive law which is consolidating and amending laws related to civil court procedures; it came into effect on January 1, 1909, and it applies throughout Pakistan. This code is comprising on 11 parts, 158 sections, and a schedule with 51 orders. These provide a procedural framework for civil litigation. In trademark infringement cases, a proprietor can seek a temporary injunction through filing an application under Order 39, Rules 1 and 2, in conjunction with Section 151, which preserves the court of law inherent powers (Order XXXIX, Rr 1 and 2 read with Section 151). However, such decisions regarding interim injunctions are appealable to the High Court. Moreover, plaintiffs can also pursue interlocutory remedies like search and seizure through applying under Section 75, which empowers courts to issue commissions, in conjunction with Order 39, Rule 7, Order 26, Rule 9, and Section 151 (Section 75 read with Order XXXIX, Rr 7, Order XXVI, Rr 9 and Section 151) (The

Code of Civil Procedure, 1908).

5.2. Criminal Procedures under CrPC, 1898

The CrPC, is the basic statute which is now consolidating and amending all laws relating to criminal procedure; it came into effect on July 1, 1898, and it applies across Pakistan. This comprehensive code comprises 9 parts, 46 chapters, 565 sections, and 5 schedules; it governs the procedural aspects of criminal justice. Specifically, offences related to CT are being investigated, inquired into, and tried under the provisions of the CrPC (Section 5, which deals with the trial of offences under the Penal Code). The second schedule of the CrPC plays a crucial role through providing definition of the nature of trademark counterfeiting offences, which in turn dictates the applicable prosecution procedures. Though the State assumes the responsibility of prosecution to the infringer, the trademark right holder also retains the right to engage their own counsel to provide assistance throughout the proceedings. This assistance may include presentation of legal arguments, cross-examination of witnesses, and guidance to the police or the State's counsel to ensure the adoption of accurate and appropriate procedures (The Code of Criminal Procedure, 1898). Due to space constraints, a comprehensive discussion of all criminal procedures is not possible here.

6. Trademark Protection through Copyright Ordinance, 1962

Though the primary legal framework for trademark protection in Pakistan is the TMO, however, the Copyright Ordinance, 1962, (CO) also offer supplementary protection in certain scenarios (Gujjar et al., 2024). Specifically, if a trademark includes artistic elements like logos or distinctive designs, then these elements may qualify for copyright protection. This allows the trademark owner to enforce his rights against unauthorized reproduction or distribution of the artistic work, even if the trademark itself is not directly infringed. This overlapping protection can be particularly useful against counterfeiters who attempt to reproduce the visual aspects of a trademark, thereby providing an alternative legal avenue for redress.

6.1. Concept of Registering Trademarks as Artistic Work

Trademarks in Pakistan are primarily protected and legally enforced under the TMO, and the PPC. Although trademark registration under the TMO is specifically for vendible goods, as defined by the classification of goods and services (Section 12), however, trademarks are also registrable for goods within the 34 classes of the Trade Mark Rules, as an alternative protection through the CO. A trademark can also be safeguarded through registering it as an "artistic work" under the CO (Section 39). This is particularly relevant when a trademark incorporates artistic elements. "Artistic work" is defined broadly in the CO to include "a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality" (Section 2(c)(i)) (Gilani et al., 2023). Therefore, logos, distinctive designs, and other visual components of a trademark can gain copyright protection, thereby it is providing an additional layer of legal recourse against unauthorized reproduction (The Copyright Ordinance, 1962).

In the Pakistan Drug House case, it was held that copyright in an artistic work is not necessarily required to be linked to any commercial goods unless the work is intended to be used or is already being used for such goods. If the artistic work is to be applied as a trademark for vendible goods, it must be registered. The primary objective of the CO law is to protect original artistic creations independently, without any direct association with commercial goods. The copyright holder has exclusive rights to reproduce, publish, translate, perform, broadcast, or adapt the artistic work under this law i.e., section 23 of the CO. The artistic work can be reproduced and sold independently, with no connection to other commercial goods unless it is specifically used as a trademark under trademark laws (*Pakistan Drug House Pvt. Ltd. V. Rio Chemical Company, 2003*).

When a trademark is registered as artistic work under the CO it gains copyright protection and can be enforced accordingly. Infringement occurs under this law when an unauthorized person exercises copyright ownership rights or engages in the making, commercialization, or importation of infringing copies of the work into Pakistan (Section 56). Enforcement of law against such infringement, which effectively translates to trademark counterfeiting in this context, can be pursued through civil, criminal, and administrative remedies under the CO. Civil remedies include injunctions, damages, accounts, and other legal relief (Section 60). However, if the defendant proves they were unaware of the copyright existence, then the plaintiff's remedies are limited to an injunction and profits made by the defendant (Section 60, Proviso). Additionally, immediate provisional orders for infringement prevention and evidence preservation can also be sought under this law (Section 60A). The Ordinance also restricts the import and export of infringement of copies, thereby it is allowing customs authorities to detain and confiscate suspected consignments, with penalties under the Customs Act 1969 (Sections 65A and 65B). Criminal enforcement is also available for infringement, abetment of infringement, and possession of plates for making infringing copies, with penalties of imprisonment, fines, or both (Sections 66, 67, and 66-67). Further remedies also include the destruction and seizure of infringed copies (Sections 73 and 74). Legal persons are also held accountable for offences (Section 71) under this law, and courts can award compensation to the infringed party (Section 74A) (The Copyright Ordinance, 1962).

7. Critical Analysis of Legal Framework Strengths & Weaknesses

Analysis of the above referred legal framework governing CT in Pakistan shows several strengths. The TMO, along with the PPC, the Customs Act, 1969, and the Competition Act, 2010, collectively form a comprehensive system for protection of trademark rights. These laws are largely aligned with international treaties such as the TRIPS Agreement and the Paris Convention, and thereby it is reflecting Pakistan's commitment to global intellectual property standards. The establishment of the Intellectual Property Organization of Pakistan (IPO-Pakistan) as a centralized body has also contributed in the better coordination among law enforcement agencies, while the introduction of specialized IP courts has facilitated more efficient adjudication of trademark disputes.

However, despite these positive aspects, the legal framework also suffers from several weaknesses (Baig et al., 2023). The TMO does not provide a clear definition of CT, which creates ambiguity in legal proceedings. Furthermore, the penalties prescribed under various statutes are often insufficient to deter counterfeiters. The enforcement agencies, including customs authorities and the police, face capacity and resource constraints, which limit their ability to conduct effective operations. Judicial delays and the lack of specialized training among enforcement officials further worsen the problem. The absence of public awareness campaigns about trademark protection also hampers certain efforts to curb CT.

8. Way Forward

To tackle these challenges, Pakistan must undertake comprehensive legislative reforms. The TMO should be amended to introduce severer penalties for counterfeiters and to provide a more precise definition of CT. The establishment of fast-track courts for trademark infringement cases could help expedite judicial proceedings (Murtiza & Muhammad, 2019). Additionally, the Customs Act 1969 should be strengthened to enhance more border control measures and to prevent counterfeit goods from entering the country. Moreover, to strengthen the role of IPO Pakistan is equally important. The organization should be provided with adequate resources to improve its enforcement capabilities. Regular training programs should be conducted for law enforcement agencies to enhance their understanding of intellectual property laws. Furthermore, a centralized database of CT and trademark infringements could help track repeat offenders and improve coordination among enforcement agencies. Public awareness campaigns should also be launched in order to educate consumers about the risks associated with counterfeit goods.

9. Conclusion

This study highlights the legal framework governing intellectual property protection and CT. Though Pakistan has established a comprehensive set of laws, yet their enforcement remains weak due to capacity issues, judicial delays, and lack of coordination among enforcement agencies. The research identifies several gaps in the legal framework and proposes reforms to address these issues. The recommendations include amendment in the TMO to introduce severer penalties, improvement in inter-agency coordination, enhancement of public awareness, and implementation of technology-driven enforcement mechanisms (Zakir et al., 2024) such as blockchain for trademark registration and AI-based monitoring systems (Zakir et al., 2024). Future research could also explore a comparative analysis of Pakistan's trademark laws with those of India, the UK, and the US, as well as the effect of digital platforms on trademark infringements.

10. References

Adil, K. (n.d.). *STATE OF ENFORCEMENT OF TRADE MARKS AND PATENTS IN PAKISTAN*. Retrieved March 4, 2025, from https://www.academia.edu/download/32817661/State_of_Enforcement_of_Trade_Marks_and_Patents_in_Pakistan.pdf

Amir, A., Rafi, M., & Zafar, R. (2025). Jurisprudence of Trademark Counterfeiting: The Influence of Social Behavior on Trademark Protection in Pakistan. *Competitive Research Journal Archive*, *3*(01), Article 01.

ARC International v. Ahmer Mansoor 2012 CLD 226.

Arfat, Y., & Hussain, N. (2024). PROTECTION OF TRADEMARKS IN ISLAMIC LAW AND ITS VIOLATIONS IN PAKISTAN. *AL MISBAH RESEARCH JOURNAL*, *4*(03), 37–50.

Baig, K., Laghari, A. R., Hashmi, M. A. I., & Naeem, A. (2023). Trademark Protection Index: A Comparative Evaluation of Pakistan and the United Kingdom (UK). *Bulletin of Business and Economics (BBE)*, *12*(4), Article 4. https://doi.org/10.61506/01.00196

BMW and Harley Davidson v. ACE Group of Industries, 2010 (The Competition Commission of Pakistan). Retrieved March 4, 2025, from https://cc.gov.pk/home/vieworders/78

Buadze, K., Shekiladze, N., & Zhorzholiani, G. (2020). The Economic Importance of Trademark Protection. *Ger.-Geor. J. Comp. L.*, 1.

Carty, H. (1996). The Law of Passing off. *Mod. L. Rev.*, *59*, 164.

Constitution of Pakistan, 1973.

Crass, D., & Schwiebacher, F. (2017). The importance of trademark protection for product differentiation and innovation. *Economia e Politica Industriale*, *44*(2), 199–220. https://doi.org/10.1007/s40812-016-0058-1

Gilani, S. R. S., Al Matrooshi, A. M., & Khan, M. H. (2023). ENFORCEMENT OF TRADEMARKS AND COPYRIGHTS UNDER IP LAW: A CRITICAL ANALYSIS. *PAKISTAN ISLAMICUS (An International Journal of Islamic & Social Sciences)*, *3*(2), 34–50.

Gujjar, M. W., Hussain, S. A., Anees, A., & Gondal, T. M. (2024). Intellectual property laws in Pakistan. *Bulletin of Business and Economics (BBE)*, *13*(3), 282–289.

Khan, N. U., Sheikh, S., & Kianai, A. (2016). SOCIO-ECONOMIC AND ETHICAL VALUES OF INTELECTUAL PROPERTY RIGHTS IN SOCIETY: A CASE LAW STUDY OF PAKISTAN. *Pakistan Journal of Society, Education and Language (PJSEL)*, *2*(2), 1–20.

Khan, Z. (2014). *World Trademark Review Yearbook.*

Khayyam, M. A. (2017). Inadequate Protection of Trademarks in Pakistan: A Case for Reform. *PCL Student Journal of Law*, *55*(4), 157–183.

Mossinghoff, G. J. (1984). The importance of intellectual property protection in international trade. *BC Int'l & Comp. L. Rev.*, *7*, 235.

Mukhtar, S., Zainol, Z. A., Jusoh, S., & Mukhtar, S. (2018). Original Paper Review of Trademark and Its Enforcement Procedures of Pakistan under TRIPS and Paris Convention. *Economics*, *1*(2). https://www.researchgate.net/profile/Sohaib-Mukhtar/publication/325697070_Review_of_Trademark_and_Its_Enforcement_Procedures_of_Pakistan_under_TRIPS_and_Paris_Convention/links/5b20bdf8458515270fc5a45a/Review-of-Trademark-and-Its-Enforcement-Procedures-of-Pakistan-under-TRIPS-and-Paris-Convention.pdf

Murtiza, G., Abad, Q., & Shahzad, M. A. (2018). Intellectual property organization of Pakistan (IPO-Pakistan): An analysis of its performance from 2014-2017. *Pakistan Languages and Humanities Review*, *2*(2), 36–46.

Murtiza, G., & Muhammad, G. (2019). The implementation of intellectual property laws in Pakistan-impediments and suggestions for solutions. *Pakistan Vision*, *20*(1), 1–8.

Naseem, F., Manj, W. A., & Ahmad, M. B. (2024). Inscribing Identity: A Transnational Analysis of Trademark Law and Cultural Heritage in Pakistan. *Journal of Law & Social Studies (JLSS)*, *6*(2), 228–236.

Pakistan Drug House Pvt. Ltd. v. Rio Chemical Company 2003 CLD 1531.

Pakistan Penal Code, 1860.

Platinum Pharmaceuticals Company (Private) Ltd. v. Stand Farm Pakistan (Private) Ltd. 2006 CLD 1109.

The Code of Civil Procedure, 1908.

The Code of Criminal Procedure 1898,.

The Competition Act, 2010.

The Copyright Ordinance, 1962.

The Customs Act, 1969.

The Drugs Act, 1976.

Trade Marks Ordinance, 2001.

Zakir, M. H., Bashir, S., Zahoor, S., Shahzad, F., & Khan, S. H. (2024). Evolving Trademark Laws in a Global Context: A Comparative Study of China and Pakistan. *Migration Letters*, *21*(4), 985–994.