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CPEC AND INTELLECTUAL PROPERTY LAWS IN PAKISTAN

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Abstract

The "World Trade Organization (WTO)" is an organization that Pakistan is a part of, the primary goal of which is to improve international trade in a long-term, sustainable way. Moreover, Pakistan stands behind the “Berne Convention for the Protection of Literary and Artistic Work of 1886” in addition to the “Universal Copyright Convention of 1952” and “The Agreement on Trade-Related Aspects of Intellectual Property Rights, 1995 (TRIPs)”. On 1 January 1995, Pakistan signed the “Trade-Related Intellectual Property Rights (TRIPs Agreement)” with the “World Trade Organization (WTO)” in terms of the protection afforded to intellectual property. This study is based on the hegemonic stability theory (HST) of political science and international relations. This theory assumes that to sustain an international system, a single prominent state must be communicative and ensure that the regulation of interaction among core members of the system persists. (Wohlforth, 2008). The study used a qualitative approach to analyze the literature gathered from primary and secondary sources.

Keywords China Pakistan Economic Corridor, Built & Road Initiative, Free Trade Agreement, World Trade Organizations, One Belt One Road

Introduction

China and Pakistan both formally announced the start of the massive infrastructure project, the China-Pakistan Economic Corridor. According to Ishaque et al. (2018), CPEC's inclusion in the OBOR project would likely increase cooperative preparedness in regional connectivity, telecommunications infrastructure, tourism, industrial parks, energy projects, agricultural expansion, health care, and social interaction (Alam, 2019). Miller (2017) found that CPEC might bring in as much money as all the foreign direct investment in Pakistan from 1970 to the present. This initiative can potentially bring about significant institutional change in Pakistan and substantial opportunities for FDI and long-term growth (Tehsin et al., 2017; Kousar et al., 2018). It is also hoped that this initiative would lead to fresh possibilities for growing Pakistan's economy and a better chance for boosting China’s.

The original copyright rules in Pakistan were drafted in 1962, but the country's current trademark, patent, integrated circuit, and registered design laws represent a radical rethinking of the country's IP framework (Hali et al., 2015; Ranjan, 2015). According to

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Rubalcaba et al. (2012), Pakistan formed an "Intellectual Property Organisation" (IPO) with coordination of the primary duty of enforcing intellectual property laws and integrating the administration of all forms of intellectual property. Although Pakistan's intellectual property framework has been more progressive in recent years, it still has some work to do to protect intellectual property and enforce its laws (Wang, 2011). Tribunals for intellectual property disputes are still being set up, but the "Intellectual Property Organisation" (IPO) has already played a crucial part in this process by giving them the power to try and prosecute criminal cases. (Wolf, 2016).

Rationale of the study

This study will prove helpful at all levels, from the policy level of the policymakers to the researchers and the students, all simultaneously. Highlighting the key factors and giving useful recommendations will strengthen Pakistan's IP laws.

Research Problem

China is investing through CPEC and BRI, but due to outdated and inadequate IP laws. Pakistan, the Chinese investors are facing various legal issues which have far-reaching impacts on CPEC.

Research Question

China is investing through CPEC and BRI, but due to outdated and inadequate IP laws in Pakistan, Chinese investors face various legal issues that have far-reaching impacts on CPEC. The study attempts to find answers to the following questions.

1. What are the trade laws in China and Pakistan?
2. What are the IP laws in China and Pakistan?
3. What measures does Pakistan take for the security of Chinese investors in Pakistan?

Research Objectives

- Assess China-Pakistan trade laws on CPEC
- Analyse the IP laws of both countries
- Analyse lacunas of IP laws in Pakistan
- Investigate the security provided to the Chinese investors

Conceptual Framework

This study is based on the hegemonic stability theory (HST) of political science and international relations. This theory assumes that to sustain an international system, a single prominent state must be communicative and ensure that the regulation of interaction among core members of the system persists. (Wohlforth, 2008). It is viewed that HST assumed international system remains stable unless the hegemony authority within the system disperses its power (Gadzay, 1994)

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Significance of the study

This study will help the policymakers of Pakistan. It will also help strengthen IP laws and encourage investors towards Pakistan. This study will also help to know its political implications.

Review of Literature

Pakistan's intellectual property laws and institutions

Industrial property and copyright are the two main types of intellectual property. Invention patents, trademarks, service marks, integrated circuit layout designs, company names and logos, geographical indicators, and laws protecting against unfair competition are all examples of industrial property. In contrast, copyright protects written creations.

The protection of intellectual property rights is crucial in today's globalized society. It's crucial for the international community and the survival of national cultures and identities. It would be difficult for a country without economic cooperation, receiving some cultural and informational imports, and attracting foreign investment in several crucial industries might be difficult. Products and services in a way that would be perfect for advancing social and economic progress. The following are international copyright protection treaties to which Pakistan is a party:

- Berne Convention for the Protection of Literary and Artistic Works (Berne Convention).
- Universal Copyright Convention (UCC Geneva).
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

The Trade-Related Intellectual Property Rights Agreement (TRIPS) is the most extensive international treaty on IP protection to date, and it has introduced a new level of accountability for member nations. Trademarks, GIs, Invented Designs, Patents (including those protecting new plant species), IC Layout Designs, and Confidential Information such as Trade Secrets and Test Data. Any nation that desired membership in The

World Trade Organization (WTO) struggled to adopt the TRIPS commitments because of the single undertaking requirement, which was complicated by the departments involved. Pakistan has done the same. To put up state-level institutional structures for comprehensively resolving any concerns related to intellectual property rights, the Parliament of Pakistan has enacted the Intellectual Property Organization of Pakistan Act (XXII, 2012), establishing the Intellectual Property Organization of Pakistan. Under the IPO Pakistan Act, all types of intellectual property, including trademarks, patents, industrial designs, integrated circuit topographies, copyright, and related rights, are deemed property, as stated under Section 2(g) (Malik, 2016). Section 39 of the IPO-Pakistan Act specifies that the legislation will apply regardless of any conflicting provisions in other laws. In Section 13, the Organization's authority and duties are outlined. The essential parts are clauses (xix) and (xx). (Anam, 2019).

The government had difficulty considering a unified and sound strategic perspective because of all the concerned departments. The absence of a broad strategic perspective made the management of intellectual property concerns much more challenging. Since management and administration were spread across many ministries, coordination among them was a major challenge. This heterogeneity made it challenging for the government to make good use of the existing laws while simultaneously expanding the reach and extent of intellectual property protection. As stated by (Thirlwell, 2010). The government was pushed to investigate alternatives due to these worries and shortfalls. The hard work eventually paid off, as the Intellectual Property Organization of Pakistan (IPO-2012) officially emerged. The department was essentially given the authority to regulate itself after being granted the status of an independent agency.

We are all aware of the wonderful changes and advancements that have taken place. Qualification, independence, and other forms of success have been attained. There was also a huge stride forward in this manner when the three existing divisions under this Pakistani intellectual property organization were established. A policy board was formed within the scope of the meeting frequency, which was established twice yearly. Each public and commercial sector will be represented on the board. Pakistan's intellectual property organization benefited greatly and bore fruit after its creation. (Mustaf and Zafar, 2017).

We are all aware of the wonderful changes and advancements that have taken place. The formation of competent teams, independence, income production, and openness are only a few of the results. With time, several new bold and forward-thinking measures have been made, and in doing so, a formalized strategy covering the whole landscape has been put out. As a result of the IPOP's tireless work, Pakistan has made great strides in conducting thorough intellectual asset audits and developing novel methods for bolstering IP protection. The Intellectual Property Organization of Pakistan has received help from several foreign organizations and bodies in recent years (Amina & Azim, 2019). Of particular note are the United Nations and other global bodies concerned with protecting intellectual property. Several non-governmental organizations have also supported this effort. (Aon et al., 2019).

Powers and Functions of the Organization

The Organization has the authority to start criminal probes, investigations, and court procedures by the terms of this Act. In addition, it can forward cases and complaints related to violations of the statutes on the Schedule to the appropriate bodies for investigation and prosecution. The Copyright Ordinance is recognized by the Intellectual Property Organization of Pakistan Act of 2012, specifically by Serial No.2 of the Schedule.

According to Sections 13 and 39, the Organization has the sole authority to open and conduct inquiries, investigations, and procedures about offenses against the laws listed in the Schedule. Those who suspect a copyright violation should report it to the Organization. According to Section 13, the complainant would forward his information to the appropriate law enforcement body. As a result, it is quite evident that the FIA cannot accept direct complaints or submit a First Information Report (FIR). There's a reason behind this. This collective acts as a check on false accusations and unwarranted

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intimidation. It is an expert group equipped with the data and expertise to determine whether or not an infringement of IP rights has happened.

Verdicts of the Apex Courts of Pakistan regarding IP laws

In the case of M/s. Farooq Ghee & Oils Mills (Pvt.) Ltd. v. Registrar of Trade Marks, Trade Mark Registry, and others, the Supreme Court of Pakistan rendered the following decision (2015 SCMR 1230): Forgetting to file for protection of your intellectual property rights under the Trade Marks Act of 1940, the trademark holder is prohibited from using the copyrighted material in place of or in addition to the trademark. It is important to note that several decisions have rejected using copyright registration as a defense for an infringement. These examples include Tapal Tea (Pvt) Ltd. v. Shahi Tea Co. (2002 CLD 1113), Pak Drug House v. Rio Chemical, and others (2003 CLD 1531). The majority of cited instances involve the courts legitimately wishing for changes to prevent unlawful detention, misuse, and abuse of numerous laws governing valuable rights and obligations in intellectual property to the detriment of sincere and truthful businesspeople and merchants. The regulations enacted under Section 34 of the Copyright Act detail how the Organization must carry out its duties and responsibilities under Section 13. However, it is noted that necessary rules have not been developed. However, how may this failure to care affect the implementation of the IPO Act, namely clauses (xix) and (xx) of section 13? The former judicial consensus held that a parliamentary act and the accompanying regulations are inseparable components of a single, cohesive scheme and that enforcement of the act would be impossible without the regulations. The tide has turned, however. As part of Orissa State Prevention and Control of Pollution Board v. M/s Orient Paper Mills and others, the defendants claimed that a particular area should not have been designated as an Air Pollution Control Area (AIR 2003 SC 1966). The Air (Protection and Control of Pollution), 1981, Section 54(2)(k) allowed for the possibility of regulations being made regulating the method, but the state government had drafted no such rules. As India's highest court ruled:

: "*Even if the State Government has not framed under section 54(2)(k), The State Government is authorized to designate any area within the State as an Air Pollution Control Area by publication in the official Gazette, subject to the rules defining how an area is to be declared as an air pollution control area. However, it may happen after consulting with the Board and by applicable regulations. The Act will not be rendered ineffective by a lack of regulations. Section 19 of the Act gives the State Government the authority to declare any region an "Air Pollution Control Area," however it cannot be stated that the use of this power is purely contingent upon the formulation of the regulations prescribing the procedure for doing so.*".

As stated in Jantia Hill Truck Owners Association v. Shailang Area Coal Dealer and Truck Owner Association and others, [(2009) 8 SCC 492]: To wit: [(2009) 8 SCC 492] Jantia Hill Truck Owners Association v. Shailang Area Coal Dealer and Truck Owner Association et al. However, The premise of legal certainty is that the absence of rules does not make conduct itself illegal. When considering whether a state government could issue an executive order for things that should be spelled out in the rules, the Supreme Court of India made this point. The issue was whether or not a state government could

issue an executive order on a matter that the rules specified must be put into writing. Specifically, If the law will operate properly even if no rules are made, it must be implemented. The law does not plan for an absence of rules or norms except in certain situations. From my point of view, if Ehsan Ali and Shaukat Ali had a concern regarding copyright infringement by the Petitioner, they should have brought it up with the Organization first. They could not file a report with the Multan Circle Police Station FIA/CC immediately. The merits of their allegation have not been addressed in front of me. Therefore, I will not discuss them. The second issue of contention is whether or not the FIA has jurisdiction over violations of the Copyright Ordinance. Establishing a Federal Investigation Agency to investigate specific crimes related to federal government operations and related issues is advisable, as stated in the preamble of the Federal Investigation Agency Act, 1974, which established the FIA. A statute's preamble exists but is not an essential component of the law itself. Nonetheless, it is a helpful resource for discerning legislative purposes. According to Coke, the statue's prologue may be a key to understanding the rest of the sculpture.

In Murree Brewery Co. Ltd. v. Pakistan through the Secretary to Government of Pakistan, Works Division and two others (PLD 1972 SC 279), The preamble is valid for learning about a law's intent, as the Hon'ble Supreme Court of Pakistan ruled. "Preamble is the gateway to any statute; it is bedrock to understand the scope, purpose, and object of any statute," the Sindh High Court ruled in the Province of Sindh, represented by the Secretary of the Ministry of Housing and Town Planning in Karachi and six others v. Mst. Ummatullah represented by the Attorney General of the Federation and two others (PLD 2010 Karachi 236). In Kamil Khan Mumtaz and others v. Province of Punjab through Chief Secretary, Government of Punjab, Lahore, and others, a Division Bench of this Court came to a similar conclusion (PLD 2016 Lahore 699). The preamble does not have the same authority as the rest of the Act but does explain its background and goals. All interpretations must be consistent with the Act's policy and the legislature's intention as expressed in the Act. The preamble to legislation does not always make the statute's intent clear. The court must consider the entire statute to determine its meaning.

Doe v. Branding, (1828) 7 B & C 643 According to Lord Tenterden, quoted in Maxwell on the Interpretation of Statutes, the Preamble often consists of a list of specific issues, but this does not rule out the possibility of additional inconvenient situations for which the act provides a cure. Legislation need not be limited to addressing the specific problem described in the prologue; if, after considering the Act as a whole, it becomes obvious that the underlying objective is wider than that expressed in the preamble, the Act will be implemented notwithstanding the preamble's less expansive meaning. Assume the meaning of the enacting provisions without regard to the preamble unless there is a compelling reason to the contrary.

In Attorney-General v. H.R.H. Prince Ernest Augustus of Hanover, 1957 AC 436, Lord Normand said: “Thus, it is certainly possible to employ it as a guidance when reading the enacting provisions," Lord Normand observed in 1957 AC 436. However, when construing a section of an Act, the prologue is not as helpful as other relevant provisions already present in the Act or relevant statutes. It is possible, but not guaranteed,

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that the intent of the preamble will be carried out in the law's final text. When the preamble provides a more precise and unambiguous interpretation of the enacting text than the latter, the preamble will have the right to prevail. The Hon'ble Supreme Court of Pakistan has acknowledged the above statement of law as correct in Mst. Zainab Bibi and others v. Mst. Bilqis Bibi and others (PLD 1981 SC 56) and Pakistan Railway v. Abdul Haqique and others (Pakistan Railway v. Abdul Haqique and others) (1991 SCMR 657).

Shah Muhammad Khan v The Federation of Pakistan and two others [PLD 1958 (W.P.) Lahore 137]: Our Court's Division Bench recently reviewed the section of the Pakistan Special Police Establishment Ordinance titled "Matters touching the Provincial Government" (VIII of 1948). It was pointed out that "issue of the Provincial Government" is not synonymous with this phrase. An appropriate snippet is given below. Muhammad Iqbal, who represented the petitioner, claimed that the Ordinance should be in effect because it is the Provincial Government's duty to prevent the theft or misuse of funds from a District Board or other local authority, some or all of which may have been funded by the Government. According to us, this is a very convincing argument. It's interesting that "regarding the Provincial Government" is used instead of "regarding Provincial Government concerns" or "regarding Provincial Government problems." Examining the provisions of the District Boards Act would support the conclusion that the Provincial Government would be extremely concerned about the issue of potential theft of District Board funds. Given the expansive nature of the Ordinance, we have concluded that the crimes the Special Police Establishment has assumed responsibility for relating to the Provincial Government, and the Special Police Establishment is qualified to look into these claims.

Javed Iqbal and two others v. Federal Investigation Agency and three others (PLD 1986 Lahore 424): This Court found that the words "matters involving the Federal Government" in the FIA Act's preamble had a broad meaning and that everything of interest or significance to the Federal Government was included. For this clause to apply, it may be necessary for the Federal Government to exercise administrative authority over a particular institution or organization.

As stated in Federation of Pakistan, represented by the Interior Secretary, Pakistan Secretariat, Islamabad, and two others, v. Asif Saigol and two others (PLD 1998 Lahore 287), the Court has held that a property interest is one of the factors that can make an institution and its activities a matter of concern to the Federal Government and things related to it. The Federal Investigation Agency is established, and its mandated duties are outlined in Section 3 of the FIA Act**.** This is true even in the absence of a direct property interest, as the Federal Government's statutory and administrative control perhaps suffices to put the issue within the scope of the Act if exercised over an institution or organization. Inquiry and inquiry of the Scheduled Offenses, including any attempt, conspiracy, or abetting of any Scheduled Offense, may be conducted by an agency designated by the Federal Government and known as the Federal Investigation Agency, notwithstanding any other law currently in effect. The Federal Government shall select a Director-General to lead the Agency, and the Agency shall also include such officials that the Federal Government appoints at its discretion. The FIA can conduct investigations into the offenses. It is listed in the FIA Act's Schedule, as is clear from a reading of section 3,

supra. The section and Schedule text are straightforward, but the preamble confused me. While courts agree that the FIA lacks authority over disputes between private parties, they disagree on what types of wrongdoing involve the Federal Government and so fall under the FIA's purview.

The Supreme Court of Pakistan stated, "It is the court's job to figure out what the lawmaker meant" in the Province of West Pakistan and Others v. Mahboob Ali and Others (PLD 1976 SC 483). The goal of legal interpretation is to achieve the goals of whoever drafted the law. Diplock argued that it is the responsibility of the judicial system to ensure that laws are enforced, not just documented when they have been broken. The objective of the legislature can be given effect through several means, one of which is by the use of purposeful construction. According to Justice Fazal Karim, It appears that "*purposive interpretation is the modern name of what was, in Maxwell on Interpretation of Statutes, called the mischief rule', which meant that the court should, where possible, identify the mischief which existed before the statute, and then if more than one construction is possible, favor that which will eliminate the mischief so identified."* To that end, the courts in Pakistan lean toward a more functional interpretation, not literality of legal documents.

Inn Muhammad Shafi v. Deputy Superintendent of Police (Malik et al.), Narowal and five others (PLD 1992 Lahore 178): The significance of a law lies in the web of social consequences it generates or in the answers it provides to all the social problems that may arise as a result of that law. Understanding the social environment in which the law shall be applied and the circumstances that led to its creation is crucial for making sense of these solutions and systems of social repercussions. Rules of law have real-world consequences, and we can't avoid or minimize them by relying only on correct syntax and logical argumentation. In this sense, a statute's meaning is a product of the lawmaking process as it adapts to changing social conditions. To cite: [Morris R. Conin, Law and Social Order (1933)] The purposive approach is given prominence in modern construction canons, which means that "purpose" is frequently the only aid at all to the interpretation of a legislative instrument, not just an acceptable one.

Director General, FIA and others v. Kamran Iqbal and others (2016 SCMR 447): Preambles are not technically part of a statute, but it is well-established that they help understand the lawmaker's intent. This can be shown by referencing the case of Murree Brewery Company Limited v. Pakistan by way of the Secretary of the Government of Pakistan and Others (PLD 1972 SC 279). Most people also agree that laws should be interpreted to further the intention of the legislature rather than undermine it. From what has been discussed, the Supreme Court of the Particularly, the Pakistani case Shahbaz-ud-Din Chaudhry and others v. The Director, FIA, C.B.C., Lahore, and two others established that section 10 of the Federal Investigating Agency Act supersedes the Pakistan Special Police Establishment, Ordinance, 1948 (VIII of 1948). (1999 YLR 678). The objective of the Pakistan Special Police Establishment Ordinance, 1948 (VIII of 1948) is stated as "to investigate certain crimes committed in connection with matters concerning the Central Government and to make provisions for the powers, duties, privileges, liabilities, supervision, and administration of the said force." According to Section 3 of the same ordinance, publication in the official gazette is the Central Government's means of

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establishing the force. This Regulation did not specify a deadline. As a result of the FIA Act of 1974 being put into effect, a list of 131 sections of the Pakistan Penal Code and 38 acts about crimes that affect multiple provinces, anti-smuggling measures, immigration, bank frauds, tax evasion, currency racketeering, and dangerous drugs was added to the Pakistan Penal Code. The F.I.A. also revealed to the Court that it was split into three sections: the Crime Wing, the Economic Crime Wing, and the Immigration and Anti-Smuggling Wing. —in order to carry out its duties. Cases of bribery, fraud, and corruption are investigated and pursued by the Crime Wing. The Economic Crime and Anti-Smuggling Wing investigates and prosecute economic crimes committed by corporations, businesses, and non-departmental Federal government agencies. There are eleven locations across the country where this is carried out. Theft of public funds or crimes committed against the State Bank of Pakistan or any of the country's scheduled banks are among the commercial crimes investigated and prosecuted by the Economic Wing. Reading the whole Act is necessary for understanding its legislative aim, which cannot be gleaned from a summary of the preamble alone. Some may read the Federal Investigating Agency Act of 1974 preamble and conclude that only federal crimes fall under its purview. This interpretation utterly disregards the significance of the Act's Section 3 and its accompanying Schedule. The lawmakers added a detailed timetable to fix the problem caused by the previous Act's limited scope of authority. As a result, until the entire Act, especially the attached schedule, is understood in all of its implications, the full impact of the Act cannot be realized. When a federal employee or a federal employee of a government-owned or -controlled firm commits a scheduled offense, there is near-universal agreement that the FIA has the authority to investigate and prosecute the case. Offenses punishable under the (Emigration Ordinance, 1979; iii) the scheduled offense is committed by public servants; iv) According to the Supreme Court's decision in Syed Mushahid Shah et al. v. Federal Investigating Agency et al., the crime was committed against a bank (2017 SCMR 1218). A review of the case law shows that the courts have upheld challenges to the FIA's jurisdiction in some circumstances, typically because the alleged crimes had no connection to the Federal Government. The seminal case on this issue is the Director General, FIA, and Others v. Kamran Iqbal (2016 SCMR 447). In this case, a dishonored check was supplied by one side during a commercial transaction. The victim went to the FIA to file a First Information Report (FIR) Section 489-F of the Pakistan Penal Code. Since it included a dispute between two private parties, the question of its legality emerged. Even though section 489-F PPC is listed in Entry No.1 of the Schedule of the FIA Act, the local police will still investigate, the Hon'ble Supreme Court said. The Court reached this conclusion for the following reasons: (a) the offense was not related to the Federal Government; (b) allowing the FIA and local police to share jurisdiction would be an anomalous situation that did not reflect the legislative intent; and (c) SRO No.977(I)/2003 had made section 489-F of the PPC a scheduled crime under the FIA Act, but had not established any criteria for determining the kind of cases that the FIA would examine.As such, it is illegal to omit this information, per Article 25 of the Constitution. The offenses punished by the Copyright Ordinance were added to the Schedule to the FIA Act by S.R.O. No. 321(I)/2005 dated 16.4.2005, through Entry No.26. 19 Whether the FIA has broad authority to investigate and prosecute violations of the Copyright Ordinance or is limited to investigating and prosecuting only government

complaints of infringement of its copyright in specific works has been a hotly debated topic.

District Bar Association, Rawalpindi and others v. Federation of Pakistan (PLD 2015 SC 401), the Highest Court in the Land noted. If the Federal Government takes any action, it must ensure that It does not violate any international agreements the State has made or public international law since doing so might have disastrous consequences for Pakistan. In **Dewan Salman Fiber Ltd. et al. v. Federation of Pakistan through Secretary Ministry of Finance et al. (2015 PTD 2304**), "We put much weight on the need for the Government to keep its sovereign obligations," the Islamabad High Court said. "These obligations may take the form of legislative orders, notifications, or policies it has stated." If she breaches her obligations under the TRIPS Agreement, the World Trade Organization (WTO) can deny her access to some markets and other benefits.

Lacunas in IP Laws in Pakistan

A key gap in IP protection is the smuggling of counterfeit or substandard goods over international borders. Since China and Pakistan share a border, their respective marketplaces will gladly accept and distribute items from other countries. However, today, the difficulty of sending or importing inferior quality commodities into the national or local market impedes the completion of the CPEC project. Therefore, a complaint form and the company's owner's IP registration address must be filled out to handle such problems. Those possessing intellectual property rights in Pakistan can use the Pakistani Patent and Trademark Office (PTO) by filing for trademark and copyright registration: label and owner. Further protection for intellectual property can be obtained by registration with the Pakistani PTO of trademark numbers and copyrights.

Criminal prosecution

The absence of adequate criminal prosecution is one of the most egregious holes in the system protecting intellectual property rights. In addition to dealing with fake goods, Chinese investors and the BRI will have to contend with several challenges about market surveys. The non-cooperation of the employees at the police department, in addition to the unfamiliarity and complexity of the procedure for filing a complaint against an accused person, is the primary cause of this phenomenon.

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Civil action

When making sure your market investments and company interactions go off without a hitch, nothing is more crucial than taking legal action. The intellectual property rights and implications of the CPEC project in Pakistan's periphery are complicated by the absence of strong and supportive laws and regulations that target market operators and investors who create dishonest transactions.

Research Methodology

The study used a qualitative approach to analyze the literature gathered through primary and secondary sources. It is an approach in research is a method of inquiry that focuses on understanding and interpreting human experiences, behaviors, and emotions. This approach typically employs unstructured data collection methods such as interviews, focus groups, and observation to better understand the phenomenon being studied. Qualitative research aims to provide a rich, detailed description of a complex social reality rather than generalize findings to a larger population. In contrast to quantitative research, which uses numerical data and statistical analysis, qualitative research relies on a subjective interpretation of data. It often leads to a more nuanced understanding of the subject. The study reviewed trade and IP laws in China and Pakistan gathered from secondary sources.

Conclusion

In many accounts, Pakistan and China are shown as close friends, and their relationship is crucial to each country's progress. In 1950, Pakistan was the first to acknowledge China as a sovereign nation officially. An enduring friendship between the two countries began at this moment. In 2005, the two countries agreed to work together and be good neighbors by signing a treaty of friendship and comradery. These set the stage for developing a closer strategic alliance between the two states (Javaid & Jahangir, 2015). The friendship involving China and Pakistan is an example to be followed by nations everywhere. Despite the diverse political systems and cultural divides, the partnership is "durable," as indicated by Ali (2017). However, the two countries are growing closer due to their shared economic interests (Ali, 2017).

Recommendation

Firstly, proper legislation and rules regulation by the modern world. Secondly, Proper trademark registration along with the products with Pakistan PTO. Thirdly, the availability of proper criminal prosecution and adequate sanctions for the violators and culprits in this regard. Fourthly, avoid technicalities and provide easy access to the redressals of the investors and general masses.

Limitations of the study

The IP laws are the backbone of any country; the economy and investors rely upon it, and so do the progress and growth. The protection of patents and trademarks is the necessary prerequisite for healthy growth. The prime requirements are the redressal mechanism, proper legislation, and hierarchal structure. The need of the hour is replacing

outdated laws with modern laws and filling the legal lacunas. Moreover, implementation is also essential.

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