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Abstract

The protection of trademarks is a major difficulty for less and more developed countries which are investigated in this research that focuses on Pakistan and the UK. While previous studies have put so much emphasis on innovation and patents, trademarks stand out as just as great all over the economy sectors. The study will conduct a comparative analysis of trademark protection indices over a decade using secondary data from International Property Rights (IPRI) website. The study concludes some major weaknesses that are responsible for intellectual property rights violations both in Pakistan and UK in the present time. It is fact that there is need to have law reforming in both nations that will make them fall into line with those of fully developed ones. Finally, given these findings it is clear reforms are necessary where trademark protection are concerned and thus suggestions have been made towards improvement in each jurisdiction.

Keywords: Trademark Protection, Index System, Pakistan, the UK

1. Introduction

Presently, one of the biggest challenges in the world today is maintaining intellectual property rights (IPR). Different countries across continents have different ways they protect intellectual property rights. A careful consideration should be given to how modern national economy is affected by protection of intellectual property right (Bochaczyk-Kupka 2016). Not many countries provide higher protection for property rights and intellectual properties rather than relying on the enforcement measures and functioning legal systems today. Good property rights and intellectual protections are essential elements towards reducing economic, legal, social problems as well as facilitating growth and development. However, there are also other countries that disregard or overlook their proprietary interest implementation systems and copyright maintenance (Zhengzhi 2014). Regrettably; piracy remains one of the most dangerous threats in the history of developing economies.

With the fast pace of globalization and computerization, complexities encircling intellectual property rights (IPR) are becoming more evident thereby posing both challenges and opportunities. Trademark law is one among these significant elements of modern legal development. Trademarks are an essential component of IPR since they serve not just as product or service identifiers but also as indicators of quality and important links between global manufacturers and customers (Zakir, M. H. et al 2024). Anything used in the marketplace for differentiating the origin or source of products or services becomes a trademark. Having good reputation and goodwill, protecting the investments made by producers, preventing misleading customers are all fundamental purposes of it to safeguarding market integrity. In modern national economies, property is viewed and protected via diverse approaches. Many nations effectively protect property rights as well as intellectual properties without any economic, legal and social issues but instead are regarded as crucial engines behind advancement and growth (Antony et al., 2012).

A trademark means a mark, title, indicator, odor, or noise that differentiates one firm's goods and services from others. A trademark must have uniqueness and non-descriptiveness to be effective. Nonetheless, when infringement is not acted upon immediately by the registered owner of the trade mark its distinctiveness wanes. The enforcement mechanisms of trademarks such as civil, administrative, provisional, border and criminal measures should therefore be adequate, timely and not too expensive, complicated or time consuming (Mukhtar, S., et al 2018). A trademark is comprised of marks, devices, brands, headings, labels, tickets, names of natural or juristic persons, abbreviations, signatures, words, letters, numerals figurative elements or colors sound certification marks collective marks domain names well-known marks and service marks. These elements are used to distinguish the goods or services of one business entity from those of others (Zakir, M. H. et al 2024).

Article 15 of the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) defines trademark as any sign or combination of signs, capable to distinguish goods/services of one undertaking from those of other undertakings. Signs include words, personal names, letters, numerals, figurative elements and combination of colors/signs (Mukhtar, S., Zainol, Z. A., & Jusoh, S. 2019). The purpose of this study is to evaluate and contrast the levels of protection for trademark rights in Pakistan with that in the UK focusing on legal frameworks and enforcement structures as well as other elements which can be deduced from trademark protection index. This comparative analysis reveals areas where there are strengths and those needing improvement in the field of trademark protection which aids in discerning intellectual property rights landscapes in these territories. The major aim is to identify strengths and weaknesses in the area of trademark protection through comparison between both countries' legal systems and level of their implementation so as to have a better understanding of how trademark law operates internationally. To begin with, a trademark is perceived and protected differently in modern national economies. Some nations put property rights and intellectual property rights as being of utmost importance, hence leading to few economic, legal, or social problems. These rights are often viewed as the main stimulant for development and progress. However, in other states their enforcement is unappreciated: sometimes intentionally so. Sadly, such countries suffer from piracy issues despite their growth rates.

A solid legal framework regarding the enforcement of trademarks laws in Pakistan that includes the Trade Marks Ordinance 2001, Trade Marks Rules 2004, Intellectual Property Organization of Pakistan Act 2012, and the necessary provisions in the Pakistan Penal Code 1860, Specific Relief Act 1877 and Customs Act 1969. Civil cases are governed by the Code of Civil Procedure 1908 and criminal cases adhere to the Code of Criminal Procedure 1898.

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The principal legislation on trademarks is covered by the Trade Marks Ordinance 2001 supported by other relevant laws so as to provide robust protection and implementation of trademark rights in Pakistan. Registered trademarks last for a period of ten years which could be renewed after expiry while domain names are protected for five years (Khan, M. F. I. 2010). Further more Pakistan became a member of the World Trade Organization (WTO) on January 1, 1995, and has been a member of the General Agreement on Tariffs and Trade (GATT) since July 30, 1948. WTO members are obligated to establish intellectual property (IP) regulations that adhere to basic criteria (Tahir, M., Gen, L. L., Ali, M., & Asif, M. 2022).

On the other hand in the UK legal framework regarding the enforcement of trademarks rights is the Trade Marks Act of 1994 as amended in 2018 to conform with the European Union regulations, is the principal statute underpinning the UK's trademark law. Following UK's exit from EU, it has since enacted its domestic legislation including Trade Marks (Amendment etc.) Furthermore, as per the Paris Convention for Industrial Property and Madrid Protocol, which are used in determining the UK trademark protection system, the nation maintains its commitment to international agreements. Membership in the World Trade Organization (WTO) began on January 1, 1995. The country has been a member of the General Agreement on Tariffs and Trade (GATT) since January 1, 1948 until European Union ceased being a member state with UK as one of its members before then (Mohamed, K. 2012). Trademarks can be enforced in Pakistan through various legal remedies including civil procedures, administrative measures, interim orders and criminal prosecution among others. However this is difficult as these remedies often require lengthy judicial processes that consume time and additional costs. Conversely in the UK enforcement of trademark rights is generally higher due to better developed legal systems and enforcement agencies within that country where acts like infringement on trademarks can be resolved by use of civil redress mechanisms administrative procedures or even criminal sanctions (Balsam, J. S. 2021).

Also concluded are several international agreements regarding intellectual property by both Pakistan and UK such as Paris Convention for the Protection of Industrial Property and Agreement on TRIPS (Mukhtar, S., Zainol, Z. A., & Jusoh, S. 2019). This also applies to duration which trademark protection lasts between Pakistan as well as UK whereby in Pakistan registered trademarks have a ten-year protection period extendable upon expiry where an application for extension can be renewed after every ten years while initially a trade mark is protected for ten years but can be renewed forever afterwards.

This study has the following objectives:

- To identify the key issues concerning trademark protection in Pakistan and UK.
- To evaluate the trademark protection index of Pakistan and UK.
- To come up with suggestions for better trademark-based laws.

In this study the researchers investigated firstly, trademarks are important; hence, this section will be discussing their use and how they are enforced by law. The second part of this study is a review of literature on trademarks that explains the underlying principles and theories. This is followed by thirdly which tells about how data was collected from secondary sources in a methodological way. Fourthly, our study talked major findings and results. Finally, we have concluding remarks together with implications for future research.

2. Review of literature

In order to fully understand the implications of globalization and digital commerce on trademark legislation on intellectual property rights, an appraisal of literature is essential. This review will explore how a complex web of legal issues affects the international trade, digital innovation and cultural protection spheres. By consolidating various researches, legal structures and case studies in this piece, the researchers highlighted key changes that underpin Pakistan's and UK's trademark legislations. These can then be analyzed within the wider context of global norms and standards. The Scholars have taken initiative to develop IPRI for making benchmarks regarding global comparison of measures on enforcement of intellectual properties (Block et al., 2014). IPRI is often regarded as very accurate measure of property rights across different countries (Brian, 2004). For instance Trademark Protection provides knowledge about precluding measures and mechanisms which countries take under their rules in place. While LE component introduces to Legal Environment; PE component introduces to Political Environment. The LE component or Legal Environment and PE or Political Environment highlights how political stability affects a country's rule of law (Christine; Cita, 2011).

Therefore, the metrics used to assess IPRI are all-encompassing. Producers of this index claim that this aspect is significant in enhancing laws and promoting both physical and intellectual property rights. The remaining two components, Physical Property Rights (PPR) and Intellectual Property Rights (IPR), underscore crucial aspects of property rights critical to a country's economic progress. These categories consist of factors that look at legal rights and practical implications within the countries being analyzed (Patricia, 2009). In developing countries, several insightful empirical studies have been conducted on trademark-related activities which clearly demonstrate their global importance in a transparent manner. Though much work has gone into research on intellectual property protection there has been comparably less emphasis on research concerning trademark protection (Tiwari & Buse, 2007).

Updating global trademark laws to cater for drastic changes in international commerce and digital world has been a challenge facing policy makers and legal practitioners for over several decades now. In fact, Ginsburg and Calboli (2014) have shown how scholars' opinions on the harmonization mechanisms provided by WIPO and TRIPs are. This indicates that the problem of national legal systems versus global policies is caused by globalization drives. It also hints that literature calls for national economies balancing with international standards. Pakistan's trademark law has developed along with its economic growth path and the influence of its legal system in the post-colonial period. Mahmood (2015) establishes through his research, and World Trade Review (2017) confirms during the discussion that Pakistan has made efforts to modernize its intellectual property regime such as enacting the Trademarks Ordinance in 2001 with subsequent amendment. The UK Intellectual Property Office (UKIPO) is the body responsible for registering and issuing trademarks and other forms of intellectual property in the UK, as well as

promoting business innovation. In 2016, it launched a major programmed to become a digital organization, with the aim of making IP services cheaper, better and faster. The initial focus of this programed was on digitizing back-end systems and processes. In 2021, however, UKIPO acknowledged that it also needed to bring its front-end services up-to-date. So last month it published a strategy document which set out how it plans to become completely digital by 2024. Almost all applications are now made online, but there is still some work to be done in terms of removing paper from the process. Although having an efficient online system greatly aids those applying for their first ever trademark registration, or similar rights such as design protection or patents for that matter; there remains much more to do in terms of tackling infringement issues involving digital goods (Tahir, M., Gen, L. L., Ali, M., & Asif, M. 2022). Furthermore, better use of IP rights is expected to stimulate innovation across different sectors of the UK's economy. In this regard, by providing easy access to trademark protection, the UK incentivizes firms to invest in brands or innovation which drives economic growth; further still a strong IP environment promotes creativity and entrepreneurship attracting investments plus talents into Britain's economy.

3. Materials and Methodology

The rule of law is all about how effectively a country's legal system supports the right to own private property. It measures how well citizens are protected by clear laws and government enforcement. Secondary data conducted from IPRI is being used for this research study.

Table 1: Trademark Protection Index of Pakistan

Year	Score	Annual Change	Global Rank	Regional Rank
2014	4.300	0.200	85	15
2015	3.557	-0.743	114	17
2016	3.684	0.127	119	17
2017	3.474	-0.210	121	18
2018	3.637	0.163	121	18
2019	3.874	0.237	120	18
2020	4.142	0.267	116	18
2021	4.211	0.069	111	18
2022	3.814	-0.397	108	18
2023	3.824	0.010	104	17

(Data conducted from IPRI website)

The table. 1 is a traditional representation of the Trademark Protection Index for Pakistan from 2014 to 2023.

Year: This shows the respective years in which the trademark protection index is being provided.

Score: These are Pakistan's trademark protection scores during different years. These are scores that rate how effective the country is at protecting its trademarks.

Annual Change: This compares changes in trademark protection score since last year. A positive value suggests improvement while a negative one implies decline

Global Rank: This number represents Pakistan's ranking globally among all countries with respect to trademark protection. A low rank means better trademark security.

Regional Rank: This denotes where Pakistan stands within its region, which could be South Asia or some other cluster of nations.

From 2014 to 2016, Pakistan saw small changes in its score on the Trademark Protection Index, with slight improvements in some years. From 2017 to 2018, however, there was a decrease in this score for Pakistan that caused a slight drop in global rankings. After this dip though (phew), the country has been improving year by year to its scores on trademark protection since 2019. Yet even with these improvements, its rankings have stayed still about the same on both the global and regional scales during this whole time period — meaning other countries are also trying to improve their trade mark security systems at the same pace as them. In short, the data tells us that Pakistan has improved its trade mark protection system through time despite being hit with some road bumps along the way... but it needs more work if they wish to be superior when it comes to global and regional standings in trade mark security.

Trademark protection scores have changed. This shows the UK's trademark regime has worked at different times. Such rapid and drastic changes like a huge jump in 2017 or drops in 2020 and 2021 could mean that things like legal reforms, enforcement efforts or digital piracy are affecting trademark protection too much.

The yearly deviations in the score emphasize how tumultuous trademark protection work is within the UK. The positive deviations show improvements while the negative ones indicate some troubles faced by people who make policies and those who enforce them to ensure an effective system.

The table 2 above shows variations over time, but despite all these ups and downs, UK still had high rankings globally and regionally for its performance on trademark protection. So even if it can't be consistent every single year, Britain knows what it wants to achieve – being one of the best countries worldwide for brand security and also within regional context.

Table 2: Trademark Protection Index of the UK

Year	Score	Annual Change	Global Rank	Regional Rank
2014	7.800	0.000	16	10
2015	7.690	-0.110	13	8
2016	7.755	0.065	14	8
2017	8.129	0.374	13	8
2018	8.141	0.012	13	8
2019	8.044	-0.096	15	9
2020	7.678	-0.366	18	11
2021	7.520	-0.158	15	9
2022	7.299	-0.221	17	10
2023	7.489	0.190	15	10

(Data conducted from IPRI website)

4. Results and Discussions

Trademark Protection Index data for Pakistan and the UK from 2014 to 2023 are showing interesting developments and fluctuations in trademark protection scores, annual changes, global ranks and regional ranks of both countries. Regarding Pakistan, there were variations in trademark protection scores over the years that sometimes registered improvements in some years while declines occurred in others. However, Pakistan's trademark protection scores have been on an overall increase since 2019. Still, the global and regional rankings of Pakistan were somewhat constant throughout the period indicating other countries may also be improving their own systems of trademark protection.

On the other hand, the UK has consistently had more stable trademark protection scores over time, with occasional ups and downs. Some years saw great improvements while others experienced a dip. Despite these fluctuations, however, trademark protection indexes ranked the UK highly both globally and regionally. This is what forms the core of their argument as a country with strong effective regimes.

From this outcome, it can be observed that both countries have made attempts to strengthen their trademark protection systems overtime but with differing levels of success. For Pakistan, this was indicated by fluctuating scores in trademark protections as proof that they were trying to improve on it. However, point to note is that stability of global and regional ranks means further improvements are needed to achieve higher rankings in trademark protection globally and within the region.

Further the UK's trademark protection environment has been relatively more stable characterized by consistently high scores and ranking throughout. Though there might have been certain variations at times, the strong global and regional ranks for UK demonstrate its commitment towards competent mechanisms for trademark protection. Generally speaking, these findings emphasize the need for continuous assessment/evaluation as well as improvement of intellectual property rights safeguarding through these means/trademark protection systems. Both countries can benefit from ongoing efforts to address emerging challenges, strengthen legal frameworks, and enhance enforcement mechanisms to ensure robust trademark protection in the global marketplace.

5. Recommendations

Followings are the significant recommendations of this study;

- Accordingly, the legal system should have a well-defined structure to protect a brand's identity and there must be guidelines for implementing these rules so we can make some change in society.
- The way the Pakistanis and Brits approach protecting intellectual property rights needs to improve, just like other developing countries.
- It is only when manufacturers are uninterested in selling fake goods to consumers that we will see an improvement in the trademark protection mechanism. Pakistan and the UK should improve their trademark protection systems. They can do this by setting clear laws and enforcement processes.
- Teach businesses and consumers about the importance of trademark rights. This can be done through campaigns that raise awareness.
- The countries will need to work together on a global scale to combat counterfeiting.
- Allocate money to enforcing these new laws so that they are effective in deterring those who would steal trademarks.
- Work with international partners in organizations to standardize trademark protection standards globally.
- Make it easier for businesses to register their trademarks. The easier it is the more likely they will do it.

- Provide funding and resources to national IP offices so that they have a better chance at examination and enforcement activities.
- Educate consumers about fake goods.
- Give rewards for businesses or individuals who are investing in protecting their trademarks.
- Monitor these new techniques on effectiveness.

6. Conclusion

The main objective of this study aimed to make a parallel assessment of trademark protection index between Pakistan and the UK for a period of ten years 2014-2023. The analysis was based on two premises: interpretation of trademark law statutes, as well as their application via different cases; and producing final rankings showing how efficient the trademark protection legal system in these countries. Another important point to note is that both nations, Pakistan and UK, are largely influenced by Western and American legal cultures when it comes to protecting trademarks. However, this study found out that there was a big problem concerning lack of implementation mechanisms for these laws in both countries. Yet while some historical and cultural factors can be used to explain some business practices, it must also be noted that other causes including opportunistic behaviors, huge profits and widespread corruption lead to the prevalence of counterfeits in markets. Safeguarding trademarks like other human rights transcends beyond economic aspects being rooted into principles such as freedom. The drawback refers to reliance upon data from single web portal over a span of 10 years with which to evaluate effectiveness of trade mark protective measures in both Pakistan and the UK. To address this limitation, future research should include additional data sources from reputable organizations like Fraser Institute or Heritage Foundation. Moreover, comparative analyses carried out by law students from different parts of the world using primary as well as secondary research would add value to this study. Consequently, policy makers need such studies for them to come up with legislative frameworks that would enhance effective marks' registration system in their jurisdictions.

This research aimed to compare trademark protection index between Pakistan and UK for a period of 10 years from 2014 through 2023. It assessed the legal framework governing trademark protection in both countries, before providing summaries and descriptions of the final rankings pertaining to the efficiency of trademarks' safeguards as shown in Table No.1 and Table No.2. It is crucial to appreciate that both these nations follow Western and American judicial systems regarding the defense of trademarks rights. However, this investigation exposed a significant problem regarding poor implementation of intellectual property laws in these two states. Nonetheless, other factors such as high profits, greed, and corruption can pollute the market with counterfeit products. Sometimes this is due to historical factors or even cultural reasons in a society.

The research shows what it takes for Pakistan and the UK to compare protection indexes over time so that these two countries know how effective their respective trademark protection mechanisms are. Pakistan's score indicates an unstable trend on its trademark protection scale, but there have been some intermittent improvements since 2019. Even though they improved, their worldwide and regional performance did not move much; therefore implying that there might be an improvement in other countries' system of protecting trademarks. On the bright side, UK had a better performing stable trademark protected environment. There were some variations in scores over time but overall it was pretty consistent. Looking at how UK maintained high global as well as regional rankings implies that their intellectual property rights preservation is strong.

To sum up this paper, it has shown us how dynamic efforts at safeguarding trademarks are within Pakistan and UK too. We should celebrate Pakistan's strides made in improving its trademark protection regime but also acknowledge that further efforts are needed to achieve higher global and regional standings. Conversely, UK's consistent performance highlights its robust trademark protection framework and dedication to maintaining its position as a leader in intellectual property rights enforcement. Policy makers /stakeholders can use these findings to identify key areas that need addressing and implement strategies focused on improving the two countries' trademark protection systems by using them as keys to open doors which promote innovation, economic growth whilst protecting intellectual property rights through addressing challenges and strengthening legal frameworks.

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