

THE PAKISTAN NAMES AND EMBLEMS (PREVENTION OF

UNAUTHORISED USE) ACT, 1957

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THE PAKISTAN NAMES AND EMBLEMS (PREVENTION OF UNAUTHORISED USE) ACT, 1957

ACT NO. XXVIII OF 1957

[30 April, 1957]

An Act to prevent unauthorised use of certain names and emblems.

WHEREAS it is expedient to provide for the prevention of unauthorised use of certain names and emblems;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Pakistan Names and Emblems (Prevention of Unauthorised Use) Act, 1957.

(2) It extends to the whole of Pakistan and applies to all citizens of Pakistan wherever they may be.

(3) It shall come into force at once.

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

(a) “competent authority” means any authority competent under any law for the time being in force to grant a patent or to register a trade-mark or design or a company, firm or other body of persons ;

(b) “design” means the design as defined in clause (5) of section 2 of the Patents and Designs Act, 1911 (IL of 1911);

(c) “emblem” means the flag, emblem, seal, insignia or coat-of-arms specified in the Schedule and includes a pictorial or illustrative representation or colourable imitation of any emblem ;

(d) “name” means a name specified in the Schedule and includes any abbreviation of a name ;

(e) “patent” means a patent as defined in clause (11) of section 2 of the Patents and Designs Act, 1911 (IL of 1911);

(f) “trade-mark” means a trade-mark as defined in clause (1) of sub-section (1) of section 2 of the Trade Marks Act, 1940 (v of 1940).

3. Prohibition of use of name or emblem and penalty.—(1) No person shall, except with the previous permission in writing of, and in accordance with the conditions, if any, imposed by, the 'Federal Government] or any officer authorised by it in this behalf, use or continue to use a name or emblem in any trade-mark or design or in the title of any patent or for the purposes of any trade, business, calling or profession, or for any other purpose whatsoever.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with fine which may extend to five hundred rupees.

4. Prohibition of grant or registration of patent, trade-mark, etc.—(1) Notwithstanding anything contained in any other law for the time being in force, no competent authority shall—

(a) register a trade-mark or design which bears a name or an emblem,
(b) register a company or firm or other body of persons which bears a name, or
(c) grant a patent in respect of an invention which bears in its title a name.

(2) If any question arises whether or not a trade-mark or design bears an emblem, the competent authority shall refer it to the 'Federal Government] whose decision thereon shall be final.

5. Amendment of the Schedule.—The 'Federal Government] may, by notification in the official Gazette, add to, amend or alter the Schedule and any such addition, amendment, or alteration shall have effect as if it had been made by this Act.

6. Previous sanction for prosecution.— No person shall be proceeded against for an offence under this Act except with the previous sanction of the 'Federal Government] or an officer authorized by it in this behalf by a general or special order.

7. Act not to prejudice other law.—The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

8. Power to make rules.— (1) The 'Federal Government] may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In making any rule under sub-section (1) the 'Federal Government] may provide that a contravention of the rule shall be punishable with fine which may extend to two hundred rupees.

THE SCHEDULE

1. The name, title or semblance of Quaid-i-Azam Mohammad Ali Jinnah and any variation thereof.

2. The Pakistan flag.

3. The official seal, emblem, insignia or coat-of-arms of Government.

4. A seal, emblem or insignia used by any department of Government.

'Subs. by The Federal Adaptation of Laws Order 1975 (President's Order No. 4 of 1975, Art. 2 and Table

5. The name, emblem or official seal of—

(i) the United Nations Organisation ![.]

(ii) the World Health Organisation.

[Gii) The World Meteorological Organisation.

(iv) _ The International Civil Aviation Organisation.]

*[(v) The International Atomic Energy Agency.]

'Subs. by the Ministry of Interior (Home Division) Notifn. No. S.R.O. 145 (K), dated the 18" February, 196

217.

Added by the Ministry of Interior (Home Division) Notification. No. S.R.O. 1019 (K)/61, dated the 20" Octo

418.

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