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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF COMMERCE

ORDER

Islamabad, the 1st July, 2016

S.R.O. 579(I)/2016.—in exercise of the powers conferred by sub-section (1) of section 3 of the Imports and Exports (Control) Act, 1950 (XXXIX of 1950), the Federal Government is pleased to make the following order, namely:—

1. **Short title application and commencement.**—(1) This order may be called the Brand and Certification Development Support order 2016.

(2) It shall apply to Small and Medium Enterprises (SMEs) and export sector in Pakistan through intellectual property registration, including trade and services marks certification and accreditation on matching grand basis.

(3) It shall come into force at once and shall remain in force till the 30th June, 2018.

(2035)

Price : Rs. 5.00

[3213(2016)/Ex. Gaz.]

2. **Definitions.**—(1) In this order, unless there is anything repugnant in the subject or context:—

- (a) “Annex” means an annexure to this Order;
- (b) “association” means respective associations of the selected sectors duly registered with the DGTO;
- (c) “BSC” means SBP-Banking Services Corporation established under the SBP Banking Services Corporation Ordinance, 2001 (LXVII of 2001);
- (d) “brand” means brand name or registered trade mark with intellectual property right association;
- (e) “DGTO” means Directorate General of Trade Organizations,
- (f) “FEOD” means Foreign Exchange Operations Department of SBP;
- (g) “IPO” means the Intellectual Property Organization of Pakistan (established under the Intellectual Property Organization of Pakistan Act, 2012 (XXII of 2012));
- (h) “exporter” means any person (sole proprietor, partnership or company) having a valid NTN and registered as such with respective bodies and a associations under the relevant laws;
- (i) “Madrid system” means one stop solution for registering and managing marks worldwide;
- (j) “nominated bank” means the bank authorized by SBP for the purpose of this Order;
- (k) “WIPO” means World Intellectual Property Organization;
- (l) “SBP” means the State Bank of Pakistan; and
- (m) “SME” means a small and medium enterprise as defined under the Small and Medium Enterprises Development Authority, Ordinance, 2002 (XXXIX of 2002); and
- (n) “USPO” means United States Patent Office.

(2) Words and expressions used but not defined herein shall have the same meanings as assigned to those in the Imports and Exports (Control) Act, 1950 (XXXIX of 1950).

3. **Eligibility Criteria.**—(1) For the purpose of exports under this Order, as exporter shall be required to.—

- (a) hold a valid NTN number and filing tax returns for last five years;
- (b) have a registered brand or trade mark from IPO;
- (c) produce registered mark with international system; and
- (d) be registered with their respective association and hold a valid association registration number.

(2) The facilities so availed under this Order shall neither be transferable nor saleable for next three years.

4. **Role of association.**—(1) The association shall be responsible for carrying out authenticity of information in respect of the exporter on its official letterhead.

(2) The claim documents shall be verified by the chairman of the association or any other office bearer as designated by the respective Chairman on his behalf. The authentication of claim by association shall bear a unique reference number.

(3) The Association shall also provide list of exporters registered with them to relevant field office of SBP-BSC and FEOD SBP-BSC head office, Karachi on the following format, namely:—

Sr. No.	NTN	Association's unique reference No.	Name and address
(1)	(2)	(3)	(4)

5. **Role of IPO.**— IPO shall certify the—

- a. registered mark at home and abroad; and
- b. registration fee spent on mark registered with the foreign markets.

6. **Procedure for claims.**—(1) An applicant shall submit application for claim of brand registration fee, along with the documents as prescribed in the Annex-I, after the verification from their relevant association, to the nominated bank of BSC-SBP.

(2) The exporter shall nominate one authorized bank to submit the claims to the SBP - BSC. The exporter shall also give undertaking to the effect that it has only nominated one bank of its choice and that the claims have not been submitted through any other bank.

(3) The nominated bank shall scrutinize the application and upon verification submit the same with an undertaking, on the format specified in Annex-II, to the field offices of the SBP-BSC. Such applications shall be received by the said offices in the normal public dealing hours on all working days.

(4) The claim certified by the association shall only be allowed from SBP offices that are located in the concerned city (e.g. the claims certified by association office Lahore will only be entertained at SBP BSC Lahore). The list of field offices which shall deal with claims under this scheme is as set out in Annex-III.

(5) The applications shall be entertained on first come first serve basis. The discrepant claims shall be processed on the basis of the date they are re-submitted after corrections.

7. **Penalties for contravention.**—Proceedings may be initiated for contravention of any provisions of this Order as specified in the Import and Export (Control) Act, 1950 (XXXIX of 1950).

Annex-I

[see paragraphs 2(1)(a), 6(1)]

On the Letter head of the Nominated Bank

The Chief Manager
SBP-BSC (Bank)

Date _____

Dear Sir,

Financial Facility Under Brand Registration Scheme

Claim for the period from to.

Name of Unit/Company : M/S. _____

Associations' Registration:		
Number	Date	Valid up-to:

I/We hereby apply to avail the reimbursement fee as provided under paragraph I, sub-paragraph _____ of the Brand and Certification Development Support Order, 2016 in the name of M/s. _____ Brand Registration and Development Scheme of the Government of Pakistan.

2. I/We M/s _____ certify that:—

- (a) the terms and conditions contained in above referred Order of the Government of Pakistan have been complied with;
- (b) all the requirements of the captioned Order have been fully met;
- (c) I/We understand and agree to pay back any amount of support paid to us, on the basis of this claim, along-with a fine of 100% of amount of the support if the SBP subsequently finds that such support was wrongfully claimed under above arrangements;
- (d) the information/data given under the claim form is complete and correct;

3. The certified copies of the following are attached, namely:—

- (a) brand or mark registration with IPO-P;
- (b) foreign brand registration duly certified by IPO-P;
- (c) attested copies of association's registration certificate;
- (d) names of countries where brand is registered;
- (e) proof of registration fee paid; and
- (f) bank verification certificate (Annex-II).

Signature of the Applicant

Countersigned and verified by the Chairman
Association

Verified by the IPO

Verified by the concerned branch manager

Countersigned by Area Chief Manager

Annex-II

[See paragraph 6(3) Annex-I (3) (f)]

Bank Certificate of Verification for Brand Registration

This is to certify that M/s _____ bearing Registration No. _____ of _____ (Name of Association) and NTN _____ had brand registration number _____ and name as _____

The above information and form verified by the bank is genuine and complete in all respect as per conditions of the Brand Certification and Development Support Order, 2016.

We undertake that in case any discrepancy is detected subsequently, the SBP may debit the amount involved along with the penalty as prescribed in this order to our account.

(Stamp and Signature of the Authorized Officials)

Annex-III

[See paragraph 6(4)]

LIST OF THE SBP-BSC OFFICES DEALING WITH CLAIMS UNDER THE BRAND AND CERTIFICATION DEVELOPMENT ORDER, 2016

Sr. No.	Name of Office
(1)	(2)
1.	Faisalabad Office
2.	Gujranwala Office
3.	Karachi Office (FEOD SBP BSC HOK)
4.	Lahore Office
5.	Multan Office
6.	Peshawar Office
7.	Quetta Office
8.	Rawalpindi Office
9.	Sialkot Office

[F. No. 1(2)/2014-SO (TP)]

AEMEN JAVAIRIA,
Section Officer.