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RESEARCH PAPER

Patent Enforcement in Pakistan and India: A Doctrinal Comparative Analysis of Legal Remedies and Institutional Mechanisms

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ABSTRACT

This article asks how Pakistan and India, two states with a shared legal origin, have used the freedom TRIPS gives them to choose the institutions that enforce patent rights. The study is limited to TRIPS Articles 28, 34 and 41–61, Pakistan's Patents Ordinance 2000 and Intellectual Property Organization of Pakistan Act 2012, and India's Patents Act 1970 and its procedural rules. TRIPS obliges WTO members to make patent rights enforceable, but it leaves them free to choose the institutions that enforce them. Pakistan and India both rewrote their patent laws with TRIPS in view. Yet they now deliver patent remedies through markedly different adjudicative systems. The study uses doctrinal and functional comparative methods. It reads the selected TRIPS provisions against the two countries' patent legislation and 14 reported decisions, compared across six dimensions of enforcement. Both statutes answer each TRIPS obligation examined, though legal texts alone cannot establish compliance in practice. On paper, Pakistan's Ordinance follows the Article 50 safeguards more closely than India's Act. The decisive divergence is institutional: India's specialised High Court benches use patent-specific rules, technical expertise, reasoned damages and pro-tem deposits, while Pakistan's Tribunals apply general civil procedure and report few patent decisions. A statute–institution gap model explains this pattern. The article sets out reform options for each country. It argues that procedural and institutional change is likely to do more for patent enforcement than further statutory amendment.

Keywords: Patent Enforcement, TRIPS Agreement, Pakistan, India, Intellectual Property Tribunals, Intellectual Property Division, Provisional Measures, Comparative Law, International Commercial Law

Introduction

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) changed international commercial law by linking minimum standards of intellectual property protection to membership of the World Trade Organization (WTO). It also made the *enforcement* of those rights a treaty obligation. Part III of TRIPS (Articles 41–61) requires members to provide fair and equitable civil procedures, injunctions, adequate damages and provisional measures, and, for trademark counterfeiting and copyright piracy, border and criminal measures. Pakistan and India, both founding members of the WTO, rewrote their patent laws in response. Pakistan replaced the Patents and Designs Act 1911 with the Patents Ordinance 2000 (as amended in 2002), and India amended its Patents Act 1970 in 1999, 2002 and 2005, ending its process-only regime for

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pharmaceuticals (Kapczynski, 2009). The two countries share a common-law heritage, the Code of Civil Procedure 1908 and an Anglo-Indian patent tradition, yet since the 1990s they have built different institutions to enforce patents.

While patent statutes in India and Pakistan both are based on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the value of a patent to the owner of it depends on many factors such as the court that tries the case, the amount of interim relief granted, the manner in which technical evidence is managed and the amount of damages awarded. As specialty High Courts, the courts in India hearing patent cases are increasingly providing thorough and well-reasoned judgment in cases relating to patent infringement, even granting substantial damages in a case (Ericsson v Lava, 2024). Cases of patent infringement in Pakistan are tried by Intellectual Property Tribunals established under the Intellectual Property Organization of Pakistan Act 2012 (IPO Act). However, no procedural rules have been framed for hearing patent cases and there are very few reported patent judgments. The enforcement of IP rights is the worst aspect of IP system in Pakistan, as observed by a review by the United Kingdom government (Pengelly, 2025). Thus, while investors, licensors and even local inventors would desire a remedy to be same and effective in Lahore as it is in New Delhi, the current IP system is full of uncertainties.

Most scholarship on patents in the two countries concerns *substantive* patentability and access to medicines, such as India's section 3(d), compulsory licensing after *Bayer v Natco*, and TRIPS flexibilities in Pakistan (Basheer & Reddy, 2008; Abbas & Riaz, 2013; Ho, 2011). Writing on *enforcement* consists largely of practitioner guides, single-country accounts and studies of trademark and copyright counterfeiting. We did not identify a study that compares patent remedies and institutions in Pakistan and India provision by provision against the TRIPS enforcement baseline. This article attempts it, and in doing so takes account of recent developments that the literature has not yet covered: the abolition of India's Intellectual Property Appellate Board (IPAB) in 2021, the Delhi High Court's 2022 procedural rules, *pro-tem* deposit jurisprudence, India's Jan Vishwas reforms of 2023 and 2026, the expansion of Pakistan's IP Tribunals, and continuing litigation in Pakistan over the link between patents and drug registration.

The study addresses three linked research questions. First, what does international law, principally TRIPS read with the Paris Convention and the Doha Declaration, require of a patent enforcement system, and how have Pakistan and India incorporated those requirements? Second, how do their enforcement laws, remedies and institutions differ in practice across six dimensions: rights, forum and validity, burden of proof, final remedies, provisional measures, and border and criminal measures? Third, what can each country learn from the other, and which reforms would be consistent with TRIPS and suited to each country?

This study examines current reviews of patent legislation in Pakistan and the consideration to join the Patent Cooperation Treaty. Although existing legal provisions have granted ample powers to cope with patent challenges, their translation into effective measures on ground requires institutional reforms. Insights for Indian policymakers could be generated from certain safeguards accorded in the Patent and Designs Act, 1911 read with corresponding statutory provisions whereas their equivalent recourse is left to the wisdom of judicial discretion. Matters of interim relief, proof and damages are contrasted side by side for the benefit of judges, lawyers and other persons. The study would particularly be of interest to international commercial law scholars to establish the degree of flexibility in enforcement of a minimum set of standards under TRIPS by two neighboring countries employing essentially similar wording to implement vastly different rights for their respective intellectual property right holders.

Literature Review

The literature reviewed has been grouped into four categories: (i) agreements relating to enforcement standards under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement; (ii) enforcement of patents in India; (iii) enforcement of patents in Pakistan; and (iv) comparative studies. Notably, there is a much greater volume of literature relating to issues of patentability, access to medicines and TRIPS flexibilities than there is on the enforcement of granted patents.

Early commentators treated TRIPS Part III as a real advance because it placed enforceable procedural standards in a multilateral trade treaty (Reichman, 1995).I More recent scholarship has noted the degree of openness allowed by these provisions. Correa (2020) and Gervais (2021) first note that Art. 41 is set out in terms of results (i.e. 'effective', 'fair and equitable' procedures), and 41.5 allows for Member States to determine whether or not to create specialized IP courts, as well as how to distribute enforcement amongst various government bodies. Yu (2011a, 2011b) in turn observes that Part III's enforcement regime amounts to a compromise in the TRIPS negotiation between developed country pressure to include more stringent IP enforcement provisions, and developing country resistance to such. While developing countries were ultimately unsuccessful in their attempts to excise enforcement from the main body of TRIPS, the terms that were agreed were subsequently implemented by developed countries on a bilateral and plurilateral basis. In the sole World Trade Organization panel decision to date that has conducted a detailed interpretation of Part III of the TRIPS Agreement, China – Intellectual Property Rights (WT/DS362/R, 2009), Yu (2011c) noted of the decision that the US had failed to establish that the threshold for criminalizing IP offenses in China was contrary to Art. 61. Dinwoodie and Dreyfuss (2012) have gone on to develop this perspective on TRIPS in terms of a 'neofederalist' approach to the Agreement. Meanwhile, other scholars such as Watal (2001) and Abbott (2002) have examined how developing countries have utilized the space of policy included in TRIPS, in conjunction with the Doha Declaration on TRIPS and public health, to protect public health. In his comparative study of patent remedies, Cotter (2013) finds that rules on injunctions and damages vary widely among TRIPS-compliant systems. The literature thus treats TRIPS as a floor for enforcement, but has paid less attention to how courts in developing countries apply that floor.

Indian scholarship after 2005 has concentrated on patentability and its effect on public health. Kapczynski (2009) explains how India combined TRIPS compliance with safeguards such as section 3(d), pre-grant opposition and compulsory licensing. Basheer and Reddy (2008) analyse the "efficacy" standard in section 3(d), Sampat, Shadlen and Amin (2012) assess the stakes of the *Novartis* litigation, and Reddy and Chandrashekaran (2017) trace the wider development of India's patent institutions and pharmaceutical industry. Shadlen (2017), writing on Latin America, and Ho (2011) supply the comparative and access-to-medicines frameworks within which much of this work sits. It is relevant here because it explains why public-interest considerations enter Indian interim-injunction decisions, as in *F. Hoffmann-La Roche v Cipla* (2009) and *F. Hoffmann-La Roche v Natco* (2025).

A second, smaller body of work addresses procedure and institutions. The WIPO judicial guide on patent litigation in India records delays, limited technical training of judges and backlogs, and reports about 600–650 patent cases pending before the Delhi High Court's Intellectual Property Division in 2022 (WIPO, n.d.). Practitioner analysis follows the Delhi High Court's 2022 rules, its use of technical experts and confidentiality clubs, and its standard-essential patent (SEP) jurisprudence, including *Ericsson v Lava* (2024), *Nokia v Oppo* (2023) and *Intex v Ericsson* (2023) (Shanker & Wilson, 2026). Lemley and Shapiro (2007) supply the economic account of "hold-up" that underlies much of the SEP debate. Nearly all of this work is about India, and most of it is about the Delhi High Court.

Pakistani legal scholarship on patents is small and concentrates on access to medicines. Abbas and Riaz (2013) identify gaps between the TRIPS flexibilities available in law and their use in practice, and later examine compulsory licensing in light of *Bayer v Natco* (Abbas & Riaz, 2020). Akhtar (2019) argues for using the compulsory-licensing provisions of the Ordinance, and Abbas (2020) examines Pakistan's implementation of TRIPS in the related field of plant variety protection. Where enforcement appears in these studies, it is mostly as background.

A comprehensive review of the intellectual property enforcement in Pakistan has been carried out by the UK Intellectual Property Office in relation to the current intellectual property regime (Pengelly, 2025). The review sets out the five intellectual property tribunals and eleven regional enforcement committees and records that in 2024 there were 97 customs-related intellectual property seizures. That review concludes that current enforcement is fragmented and that the level of penalties currently imposed does not act as a deterrent. This analysis has concentrated on counterfeiting of trademarks and copies of copyrighted material. The patent procedure before the tribunals is set out in practitioner's guides. The bodies described in the guides are established under the Code of Civil Procedure (Chambers and Partners, 2026; Vellani & Vellani, 2024). There are few reported patent cases with detailed judgments. Some of the most detailed are Decisions of the Sindh High Court in Novartis AG v Genix Pharma (2018) and Getz Pharma v Servier (2016) dealing with issues of patents and drug registration.

Most comparative studies on intellectual property (IP) laws in South Asia, including Pakistan, India and Bangladesh, treat these countries as if they belong to same category of developing countries and are struggling to leverage sufficient flexibility under the TRIPS Agreement, inter alia, to determine whether or not to grant patents and to fix prices of patented pharmaceutical products. A functional method of comparative law as developed by Zweigert and Kötz (1998), Michaels (2006) and Siems (2022) can be usefully applied to study how different legal systems deal with similar problems. For instance, Cotter (2013) applied the functional approach to compare and contrast patent remedies in major jurisdictions. However, a comparative study of IP enforcement in Pakistan and India would be a novel contribution.

The enforcement standards for intellectual property (IP) under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement are set at a very high level; however, there is considerable room for individual countries to implement the said agreement as per their discretion. For instance, India has effectively utilized the IP flexibilities in respect of patentability as well as compulsory licensing under TRIPS. On the other hand, there is a massive deficit in the enforcement of intellectual property rights in Pakistan which is especially so with regard to large scale counterfeiting. Most studies focusing on Pakistan have not even studied the issue of patent disputes and how the Intellectual Property Tribunals deal with such matters. No study has so far explored the avenues available under the law to challenge the validity of a patent grant and the statutory basis whereby a party may seek technical assistance. Most of the research work undertaken on India has focussed on procedural innovations taking place in New Delhi. However, such studies hardly compare IP rights with other jurisdictions which are on the same legal pedestal as India. A comparative study of IP system in force in Pakistan and that in India is desirable. Both Pakistan and India are intended to be governed by the identical statutory as well as procedural framework. Therefore, any variance in enforcement of IP rights in both countries would be of subsequent nature and would be the result of certain decisions taken by institutions in both countries. No study has so far compared the patent remedies and the relevant institutions in both the countries against the TRIPS baseline. This article identifies and highlights a statute–institution gap and presents a model to correlate international IP standards and their translation into national statutory measures and the

institutional structure which would determine the effective remedies which a patentee can obtain in real life.

Material and Methods

This study uses a library-based doctrinal comparative method. The doctrinal part interprets each country's statutes, rules and superior-court decisions (Hutchinson & Duncan, 2012) and measures them against TRIPS, read under Articles 31–32 of the Vienna Convention on the Law of Treaties. The comparative part follows the functional method (Zweigert & Kötz, 1998; Michaels, 2006). It asks how a patent owner stops infringement and obtains compensation, so that tools with different names can be compared directly. Pakistan and India were chosen as "most similar" cases because both share the Patents and Designs Act 1911 and the Code of Civil Procedure 1908.

The comparison along the 6 dimensions of TRIPS rights (Article 28), jurisdiction and validity (Articles 41-42), burden of proof (Articles 34, 43), final remedies (Articles 44-48), interim measures (Article 50), border and criminal measures (Articles 51-61) is based on information available on official websites. The fourteen superior court decisions (Appendix A, Table 1, Fig. 1) from two superior courts of Pakistan and twelve superior courts of India have been analyzed as these were the decisions reported in the legal journals. The legal framework refers to as it was on November 20, 2026.

Decisions of tribunals in Pakistan are for the most part not reported, hence the findings in relation to practice in Pakistan are provisional. No effort has been made here to quantify matters such as duration of cases and amounts of compensation awarded.

Table 1
Documentary corpus analysed.

Source category	International	Pakistan	India	Total
Treaties, declarations and WTO reports	5	–	–	5
Statutes, ordinances, rules and notifications	–	5	8	13
Reported decisions	–	2	12	14
Government, WIPO, practitioner and press sources	–	4	2	6
Books and peer-reviewed articles	17	4	4	25
Total	**22**	**15**	**26**	**63**

Note. Counts refer to entries in the reference list. "International" covers WTO materials and general TRIPS and comparative-law scholarship; the WIPO judicial guide on India is counted under India. Database hit counts were not retained. Appendix A lists the 14 decisions.

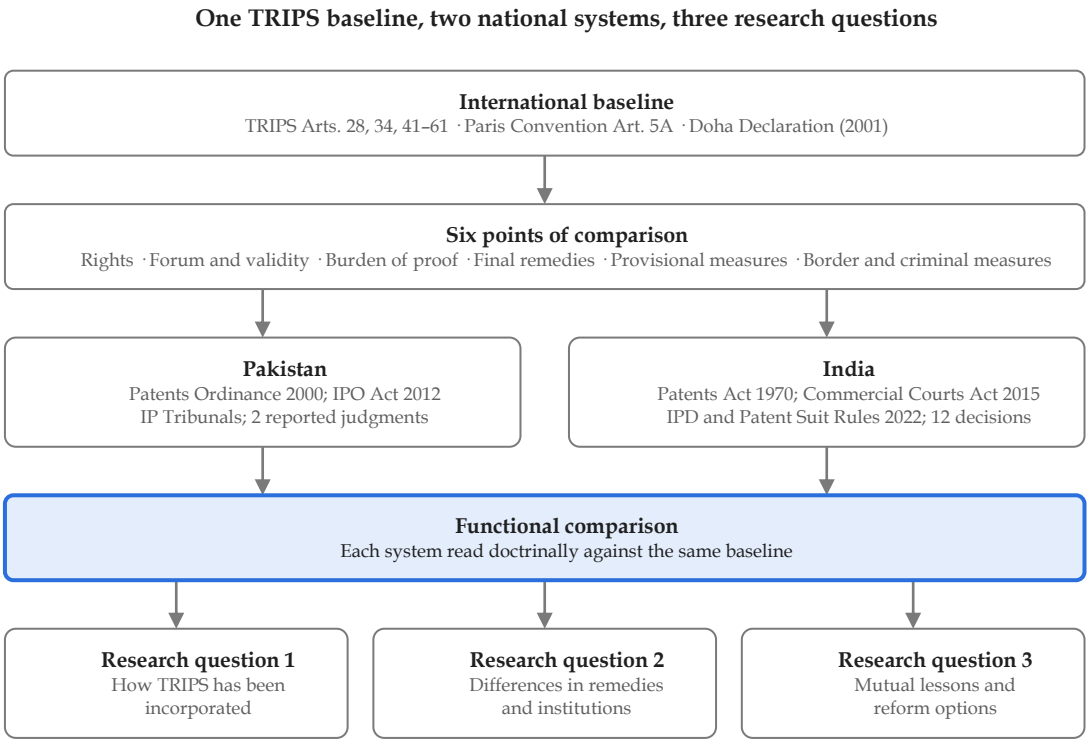


Fig. 1. Research design. Both national systems are read against the same TRIPS baseline through six points of comparison, and the functional comparison then answers the three research questions. Sources: TRIPS Agreement; Patents Ordinance 2000; Patents Act 1970; Table 1.

Comparative analysis and discussion

The TRIPS baseline and its incorporation

TRIPS addresses patent enforcement in two places. Article 28, in Part II, defines the rights to be enforced: the owner of a product patent may prevent unauthorised making, using, offering for sale, selling or importing, and the owner of a process patent may also prevent dealings in products obtained directly by the process. Article 34, in Part II, Section 5, is the only patent-specific enforcement rule. In civil proceedings concerning a process patent, members must reverse the burden of proof in at least one of two situations: where the product obtained by the process is new, or where there is a substantial likelihood that the identical product was made by the process and the owner has been unable through reasonable efforts to establish the process actually used.

Part III then sets general obligations for all intellectual property rights. Article 41 requires procedures that permit effective action, including expeditious remedies, that are fair and equitable, not unnecessarily complicated or costly, and subject to reasoned written decisions and judicial review. Article 41.5 adds that members are not obliged to create a judicial system for IP enforcement distinct from general law enforcement. Articles 42–49 require civil procedures with due process, powers to order the production of evidence (Article 43), injunctions (Article 44), damages adequate to compensate the right holder (Article 45), and powers to order disposal of infringing goods (Article 46). Members *may* provide for recovery of profits or pre-established damages (Article 45.2) and must allow compensation of defendants wrongfully enjoined (Article 48). Article 44.2 allows members to limit remedies against authorised government use to remuneration. Article 50 requires prompt and effective provisional measures, including measures without notice, subject to safeguards: security, notice and review, revocation on the defendant's request if merits

proceedings are not begun within the specified period, and compensation where measures prove unjustified. Border measures (Articles 51–60) and criminal procedures (Article 61) are mandatory only for counterfeit trademark goods and pirated copyright goods; for patents they are optional.

In addition to the above sources that were used to establish the above described baseline, Article 5A of the Paris Convention on Ripening authorizes compulsory licenses to be granted in order to prevent abuses such as failure to work. The Doha Declaration on TRIPS and Public Health (2001) states that TRIPS must be interpreted in a manner which is conducive to the facilitation of public health. Articles 31 and 31bis set out the conditions under which a compulsory license may be granted, including for the purpose of exportation. The instruments do not however determine which institutions are required to implement the required measures and these are left to the individual member states.

Table 2 above compares the Domestic Provisions of each of the obligations listed above against the corresponding obligation. Two points need to be made in this respect. Firstly, the table is set out on the basis of correspondence i.e. whether or not there is a provision dealing with the obligation in question. Operational success in practice is also required under Articles 41.1 and 41.2 above and documents alone are not sufficient to establish this. Information on the provisions of law in Pakistan has been provided on the basis of the text of the Ordinance as amended in 2002. A consolidated official text of subsequent amendments has not been located.

Table 2
TRIPS enforcement obligations and their incorporation in Pakistan and India.

TRIPS provision	Nature	Pakistan	India	Assessment
Art. 28: exclusive rights	Mandatory	Ordinance s.30(1)(a)–(b)	Patents Act s.48	Textual correspondence in both
Art. 30: exceptions	Permissive	s.30(5), including experimental and teaching use	ss.47, 107A, including regulatory-approval (Bolar) use and parallel imports	Both use the flexibility; India's provisions are more extensively litigated
Art. 31, 31*bis*: use without authorisation	Permissive, conditioned	ss.58 (government or third-party use) and 59 (Controller's licences)	ss.84, 92, 92A, 100	Both provide; India granted a licence in *Natco* (2012); no Pakistani grant was identified in the sources examined
Art. 34: burden of proof, process patents	Mandatory (one of two options)	s.61(1)(b): presumption for identical new products; business secrets protected	s.104A: either new product or substantial likelihood	Both correspond; India adopts both options
Art. 41.1–41.3: effective, fair, timely procedures; reasoned decisions	Mandatory	IP Tribunals with civil-court powers (IPO Act ss.17–18); CPC applies where the Act is silent (s.17(2))	Civil courts and High Courts under CPC and Commercial Courts Act 2015	Provisions exist in both; effectiveness and timeliness not assessable from texts
Art. 41.4: judicial review	Mandatory	Appeals from Tribunals to the High Court (IPO Act s.19); from the Controller to the High Court (Ordinance ss.69–70)	Appeals to the High Court, and Division Bench and Supreme Court review	Correspond

Art. 41.5: no duty to create specialised courts	Clarification	Specialised Tribunals (IPO Act s.16)	Specialised High Court divisions created by court rules	Both go beyond what TRIPS requires
Art. 43: evidence	Mandatory	Civil-court powers under CPC; court may appoint scientific adviser (s.68); Tribunal may be assisted by technical expert (IPO Act s.16(11))	CPC; Commercial Courts Act disclosure; Delhi rules on experts and confidentiality clubs	Both have powers; use differs (see RQ2)
Art. 44: injunctions	Mandatory	s.61(1)	s.108(1)	Correspond
Art. 45: damages; optional profits	Mandatory; 45.2 optional	s.61(1)(a): damages, injunctions or accounts; innocent-infringer limit s.62	s.108(1): damages or account of profits; innocent-infringer limit s.111	Correspond
Art. 46: disposal of infringing goods	Mandatory	No express power in s.61(1)(a); destruction orders are reported in practitioner sources (Chambers and Partners, 2026)	s.108(2): seizure, forfeiture or destruction	India's provision is explicit; Pakistan's text does not expressly address disposal
Art. 48: indemnification of defendant	Mandatory	s.61(2)(g) for provisional measures; groundless-threats action s.66	Groundless-threats action s.106; costs under CPC and Commercial Courts Act	Both address in part
Art. 50: provisional measures	Mandatory	s.61(2)(a)–(g) sets out the Art. 50 safeguards	CPC Order XXXIX and inherent powers; no patent-specific statutory safeguards	Pakistan codifies; India relies on judicial practice
Arts. 51–60: border measures	Mandatory only for counterfeit TM and pirated copyright goods	Customs Act 1969 s.15 prohibits infringing imports, including under the Patents Ordinance; the SRO 170(I)/2017 detention procedure covers trademarks and copyright only	Patents removed from the IPR (Imported Goods) Enforcement Rules 2007 by Notification 56/2018-Customs (N.T.)	Both consistent with TRIPS
Art. 61: criminal procedures	Mandatory only for TM counterfeiting and copyright piracy	Tribunals have exclusive criminal jurisdiction under IP laws (IPO Act s.18(2)); Ordinance ss.71–78 penalise administrative wrongs, not infringement; a reported 2021 amendment adding infringement penalties could not be verified	Infringement is not an offence; s.118 offence retained; ss.120, 122, 123 converted to penalties (2023); s.119 omitted (2026)	Both consistent with TRIPS

Although both laws set out corresponding requirements for each of the obligations under the examined provisions of the TRIPS Agreement, documentation alone cannot conclusively establish full compliance by either country with the effective and timely implementation requirements of Article 41. Whilst closely corresponding to the structure of the examined TRIPS obligations, Section 61(2) of Pakistan's Ordinance draws upon Articles 50.2 through 50.7 in establishing inter alia requirements for reasonable evidence;

allowance of a security measure by a court; notice to be taken by a defendant of any Revocation or Cessation proceedings; and review by a court of any Revocation or Cessation order at the request of a defendant; cessation of injunction measures at the request of a defendant where proceedings on the merits are not initiated within a time frame that is reasonable and which shall not exceed twenty working days or thirty-one calendar days; and compensation to be awarded by a court at the request of a defendant. The special case of goods released from customs following importation into Pakistan are also uniquely covered by Section 61(2) of the Ordinance and corresponding Articles 50.1(a). This is not the case with corresponding provisions under the patents legislation of India (the Patents Act) where such matters would generally be covered by the Code of Civil Procedure (CPC) and the inherent judicial powers of the courts of India.

Comparing remedies and institutions across six dimensions

The rights conferred are materially the same. Section 30(1) of the Ordinance and section 48 of the Patents Act both follow Article 28, and both statutes allow a defendant to rely on any ground of revocation as a defence (Ordinance s.60(2); Patents Act s.107). Both provide an action against groundless threats of infringement proceedings (Ordinance s.66; Patents Act s.106), and both protect an innocent infringer from damages, though not from an injunction (Ordinance s.62; Patents Act s.111). The exceptions differ in detail: India's regulatory-approval exception in section 107A has been extensively applied in pharmaceutical disputes, whereas the reported Pakistani case law examined contains no comparable body of decisions. Differences in enforcement outcomes are therefore unlikely to come from the rights themselves.

In Pakistan, the IPO Act provides that civil suits for infringement of the IP laws listed in its Schedule, including the Patents Ordinance, are to be instituted and tried in the IP Tribunal, and that no other court has jurisdiction over matters within the Tribunals' competence (IPO Act ss.17(4), 18(1)). Each Tribunal has a single presiding officer, appointed after consultation with the Chief Justice of the relevant High Court from among former or serving High Court judges, District and Sessions Judges, or advocates qualified for High Court appointment (s.16(4)). Tribunals in Lahore, Karachi and Islamabad were joined by Quetta and Rawalpindi after 2020 (Pengelly, 2025). In civil matters a Tribunal has the powers of a civil court and, where the Act is silent, follows the Code of Civil Procedure (s.17(1)(a), (2)); appeals lie to the High Court within thirty days (s.19). The Act also directs Tribunals to hear cases day to day and dispose of them within ninety days (s.15), although this provision, like sections 16–19, came into force only on notification, and we could not confirm how it is applied in patent cases.

Pakistani law already provides for technical assistance. A Tribunal "may, if it so requires," be assisted by an expert in the technical aspects of intellectual property rights, and it fixes the expert's remuneration and decides which party bears it (IPO Act s.16(11)–(12)). Separately, the Ordinance allows the court, at any time and on its own motion, to appoint an independent scientific adviser to assist it or report on questions of fact or opinion, with remuneration paid from federal funds (s.68), and empowers the Federal Government to make rules on the qualifications and roll of such advisers (s.105(2)(x)). Pakistani courts thus have the legal authority they need. We found, however, no published roll of scientific advisers, the reported judgments examined do not show these powers in use, and no patent-specific procedural rules have been made for the Tribunals (Vellani & Vellani, 2024). On this point the difference from India lies in how far the powers are used.

Validity can be raised in Pakistan through several distinct routes. Any person may oppose a patent application before grant. Within twelve months after sealing, a person interested who did not oppose may apply to the Controller for revocation, although that route is restricted while infringement or revocation proceedings are pending in court (s.47). Any individual with an interest to protect, or the Federal Government, can file a

revocation petition before the High Court. Moreover, a party can also file for revocation as a counterclaim in a case of infringement (s.46). Section 60(1) clarifies that where a defendant in a suit files a counter claim for revocation, the original suit and the counter claim would both be transferred to the High Court. The law on this subject has not been settled with regards to the jurisdiction of the Tribunals under the Intellectual Property Organization Act. In a recent decision, Getz Pharma v Servier (Sindh High Court, 2016), a generic manufacturer who had obtained registration of the drug in question had filed for revocation of the patents of the patentee prior to any infringement proceedings being instituted by the latter. The court held that s.46 did not empower the plaintiff to file the said suit in its present form. The court also held that the plaintiff had failed to comply with the time limits for opposition and revocation as specified by the Controller. All pending applications for revocation were directed to be returned to the Patent Office. The suit was ultimately dismissed with costs being imposed as special costs. In India, an infringement suit may be filed in any court not inferior to a district court (Patents Act s.104). If the defendant counterclaims for revocation, the suit and counterclaim are transferred to the High Court (s.104 proviso). Since the Tribunals Reforms Act 2021, revocation petitions are also heard by the High Court (s.64(1)), which previously shared that role with the IPAB; the Controller hears pre-grant and post-grant oppositions. Many major patent suits are filed directly in High Courts with original civil jurisdiction, of which Delhi is the most prominent. Since February 2022, the Delhi High Court's Intellectual Property Division has exercised jurisdiction under dedicated rules, the IPD Rules 2022 and the Rules Governing Patent Suits 2022. These provide for technical primers, claim charts, case-management hearings, a panel of experts, technically qualified law researchers, confidentiality clubs and "hot-tubbing" of expert witnesses (WIPO, n.d.). Suits filed elsewhere, including in district and commercial courts, proceed under the Code of Civil Procedure and, for commercial disputes, the Commercial Courts Act 2015. Delhi represents Indian practice at its most developed, and many patent cases are heard elsewhere. Where a case is heard by a High Court bench, infringement and validity are typically decided together: in *Ericsson v Lava* (2024:DHC:2698), a single judge held seven standard-essential patents valid and infringed, revoked an eighth for lack of novelty and assessed damages in one judgment. In both countries, then, a revocation counterclaim sends the case to the High Court, but the institutional consequences differ. In India, the High Court that receives the counterclaim is often the specialised forum already hearing the suit. In Pakistan, the counterclaim moves the case from the specialised Tribunal to a general High Court bench, while the Controller and High Court petition routes remain available in parallel. Fig. 2 sets out the pathways.

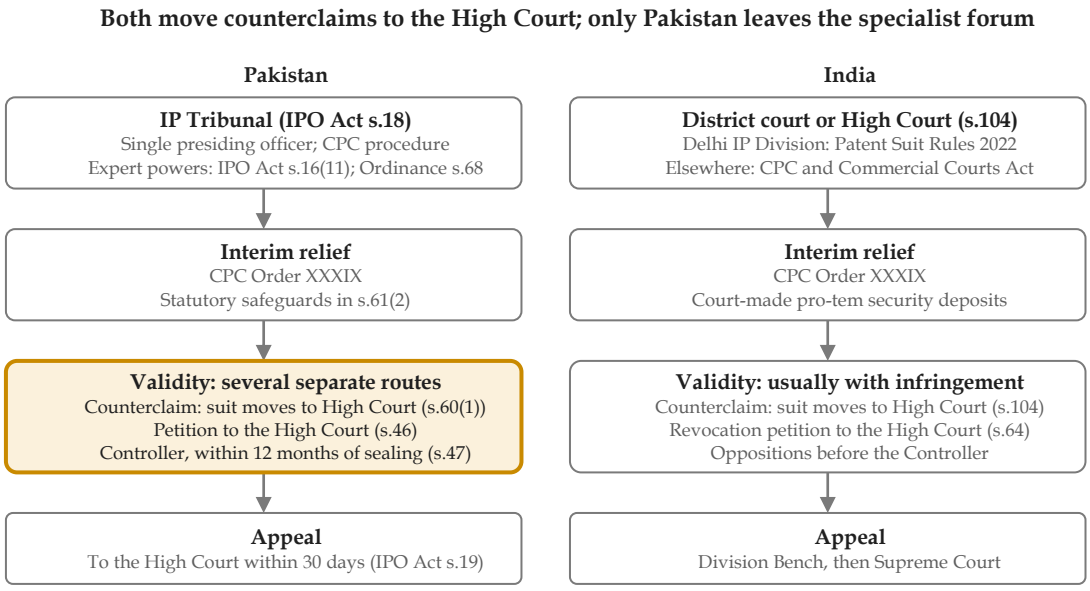


Fig. 2. Patent enforcement pathways in Pakistan and India.

The shaded box marks the main structural difference: in Pakistan, validity may be raised through several separate routes, and a revocation counterclaim moves the case out of the specialised Tribunal. In India, the receiving High Court is often the specialised forum already hearing the suit, although suits may also begin in district or commercial courts. Sources: Patents Ordinance 2000 ss.46, 47, 60, 61, 68; IPO Act 2012 ss.16, 18, 19; Patents Act 1970 ss.25, 64, 104; Delhi High Court Rules Governing Patent Suits 2022.

Both statutes implement Article 34. Section 61(1)(b) of the Ordinance requires a defendant to prove that its process differs from the patented one where the product is identical and new, and it directs the court to take account of the defendant's interest in protecting manufacturing and business secrets. Section 104A of the Patents Act applies where the product is new or where there is a substantial likelihood that the patented process was used and the patentee has been unable to establish the process actually used, so India adopts both of the options TRIPS permits. In *Novartis v Genix* (Sindh High Court, 2018), counsel invoked section 61(1)(b), but the court, deciding ex parte after the defendant failed to appear, did not rely on it. Although the two provisions read much alike, there is little reported Pakistani authority on how the reversed burden works.

The above statutory remedies are available and are on par with each other. An injunction and damaines are available in both jurisdictions, an account of profits can be recovered by the plaintiff, and there is specific statutory provision to seize, forfeit and even destroy infringing goods in India (s.108). There are also specific limitations on the amount of damaines that can be recovered from an innocent infringer in both jurisdictions (Ordinance s.62 and Patents Act s.111). While there are numerous reported cases where an Indian High Court has provided a reasoned assessment of damaines to be awarded in a patent case (for example, Ericsson v Lava where INR 2,440,763,990 (approx. INR 244 crore) was awarded on the basis of the royalties that Ericsson would have received from a Fair, Reasonable and Non-Discriminatory (FRAND) license with interest at 5% per annum thereafter), the Commercial Courts Act 2015 provides that costs shall follow the event in all cases whereas the Intellectual Property Division (IPD) Rules 2022 sets out with considerable detail the factors that can be and must be considered and weighed by the Court in a computation of damaines to be awarded in a case. As noted above, reported awards of damaines in patent cases are an extreme rarity in Pakistan (e.g. Novartis v Genix where a claim for damaines of PKR 100 million was abandoned by the plaintiff and only an injunction was decreed by the Court). In view thereof, it is clear that in the vast majority of patent cases, the primary relief that a patentee can obtain is an injunction and, therefore, matters concerning interim relief would acquire greater significance in such cases.

Interim injunctions are granted in both jurisdictions under Order XXXIX of the Code of Civil Procedure, on the well-established grounds of a prima facie case, balance of convenience and irreparable injury. While the Review mechanism is governed by the land mark judgment of Wander v Antox (1990), Section 13(4) of the Patents Act provides that a grant of patent does not imply validity thereof. Indian courts have the role of a-watchdog to determine whether the challenger has presented a credible case in challenge to the grant. This was the wisdom in Biswanath Prasad Radhey Shyam v Hindustan Metal Industries (1979). In pharmaceutical cases, public interest is weighed explicitly: an injunction was refused in *Roche v Cipla* (2009) and granted in *Merck v Glenmark* (2015). In *F. Hoffmann-La Roche v Natco* (2025), the Delhi High Court refused to restrain a lower-priced generic version of risdiplam, a treatment for spinal muscular atrophy, relying partly on public interest; a Division Bench upheld that refusal on 9 October 2025 and the Supreme Court declined to interfere in October 2025. In *F. Hoffmann-La Roche v Zydus* (2024:DHC:7868), the court stressed that claim mapping is required before urgent interim relief is granted (Shanker & Wilson, 2026). In SEP disputes, the Delhi High Court has developed court-ordered *pro-tem* security deposits. In *Nokia v Oppo* (Division Bench, 3 July 2023), the implementer was directed to deposit 23% of the amount paid under its expired licence, a

figure based on India's share of its global sales. The Division Bench in Intex v. Ericsson (29 March 2023) held that interim relief in SEP cases can be granted without a preliminary trial on matters of validity or essentiality and that a deposit is sufficient to protect the patentee's interests while keeping their products on the market and thereby not encouraging 'hold-up' behavior as noted by Lemley and Shapiro in their 2007 article.

In Pakistan, evidence required to obtain an ex parte injunction can be substantial. Orders for security may be made to be given by a non-resident patentee. An appeal does not automatically stay the injunction granted by the first instance court (Chambers and Partners, 2026). Measures under section 61(2) of the Ordinance (protective measures not present in Indian patent law) can be taken without giving notice. Evidence and security can be required. There is a review which can be scheduled by the defendant. In merits proceedings which are initiated within 20 working days or 31 calendar days from the date of the order, the ex parte injunction can be revoked or ceased at the defendant's application. Compensation also can be ordered by the court at the defendant's application. However, there is no reported judicial decision that has invoked any of these safeguards or a pro-tem deposit. Therefore, it is not possible to comment on the practical implications of any of these.

TRIPS requires neither border nor criminal measures for patents, and the two countries have gone different ways on both. India removed patents from the IPR (Imported Goods) Enforcement Rules 2007 by Notification No. 56/2018-Customs (N.T.) of 22 June 2018, so customs authorities no longer suspend clearance on allegations of patent infringement under those rules. Patent infringement has never been a criminal offence in India. Chapter XX of the Patents Act concerns other conduct, and it has been reshaped in two stages. The Jan Vishwas (Amendment of Provisions) Act 2023, in force for patents from 1 August 2024, converted the offences in sections 120 (false claims of patent rights), 122 (failure to furnish information) and 123 (practice by unregistered agents) into monetary penalties imposed by an adjudicating officer (s.124A), with an appeal (s.124B). The Jan Vishwas (Amendment of Provisions) Act 2026 (Act No. 8 of 2026), whose patent provisions came into force on 1 June 2026, renamed Chapter XX "Punishments", omitted section 119 (falsification of register entries) and added a proviso to section 118 removing punishment for an unauthorised foreign filing under section 39 where the Central Government considers that the invention had no defence or atomic-energy relevance. Section 118 otherwise remains a criminal offence.

Pakistan's Customs Act 1969 (s.15) prohibits the import and export of goods infringing IP laws, including the Patents Ordinance (Chambers and Partners, 2026). However, the detailed detention procedure added to the Customs Rules 2001 by SRO 170(I)/2017 applies to imported goods suspected of infringing trademark and copyright rights, not patents, so patentees have no equivalent application-based customs procedure. The customs IP unit made 97 IP-related seizures across all IP rights in 2024 (Pengelly, 2025). Under the IPO Act, Tribunals have exclusive jurisdiction to try offences under IP laws (s.18(2)). The offences in the Ordinance as amended in 2002 (ss.71–78) concern secrecy, false register entries, false claims to patents and unregistered agency, not infringement as such. Pengelly (2025) reports that a 2021 amendment introduced penalties for infringement; because the amending instrument could not be located in official sources, this study does not rely on that report.

Both countries have faced the question of whether the drug regulator should withhold marketing approval for generic versions of patented medicines. India rejected such patent linkage in *Bayer Corporation v Union of India* (Delhi High Court, Division Bench, 9 February 2010), holding that the drug regulator is not a forum for deciding patent questions. Pakistan's position is unsettled. In *Getz v Servier* (2016), the Sindh High Court observed in passing that DRAP should not register an identical compound while a patent is in force. A Punjab IP Tribunal order restraining DRAP from granting marketing approval in

a patent action, and a ruling that only drugs free of patent protection may be registered, are reported to be under challenge before the Lahore High Court (Chambers and Partners, 2026; Subohi, 2026). TRIPS does not require linkage, so for Pakistan the question is one of domestic policy.

Table 3
Institutional comparison of patent enforcement (position as at November 2026).

Dimension	Pakistan	India
First-instance forum	Five IP Tribunals, each with a single presiding officer (IPO Act ss.16, 18)	District courts and High Courts (s.104); High Court IP divisions where established, such as Delhi
Patent-specific procedural rules	None identified; CPC applies (IPO Act s.17(2))	Delhi Rules Governing Patent Suits 2022 and IPD Rules 2022; Commercial Courts Act 2015
Technical expertise	Statutory powers exist (IPO Act s.16(11)–(12); Ordinance s.68); no published roll of advisers or reported use identified	Expert panels, technically qualified law researchers, technical primers and hot-tubbing in Delhi
Validity	Counterclaim moves the suit to the High Court (s.60(1)); High Court petition (s.46); Controller within 12 months of sealing (s.47)	Counterclaim moves the suit to the High Court (s.104); revocation petition to the High Court (s.64); oppositions before the Controller
Interim tools	Order XXXIX injunctions; statutory provisional-measure safeguards (s.61(2))	Order XXXIX injunctions; *pro-tem* deposits; explicit public-interest balancing
Damages and costs in practice	Rarely awarded or reported; costs seldom granted (practitioner sources)	Reasoned awards (e.g., INR 244 crore in *Ericsson v Lava*); costs generally follow the outcome
Criminal measures	Tribunal criminal jurisdiction; administrative offences in Ordinance; 2021 infringement penalties reported but unverified	Infringement not an offence; s.118 retained; ss.120, 122, 123 converted to penalties; s.119 omitted
Border measures for patents	General prohibition (Customs Act 1969 s.15); 2017 detention rules cover trademarks and copyright only	Excluded from the 2007 Rules since 2018
Patent linkage	Contested; pending before the Lahore High Court	Rejected (*Bayer v Union of India*, 2010)
Published case law	Sparse	Extensive

The comparison therefore reveals an asymmetry. Pakistan's statute follows the TRIPS text more closely, especially on provisional measures, and already confers powers to obtain technical assistance, but those provisions are not visibly used in the reported decisions examined. India's statute says less about provisional measures, but its specialised benches have developed procedure, technical support, damages practice and interim tools through rules and case law. For patentees, the differences that count most lie in institutions and procedure.

Mutual lessons

In terms of reciprocal lessons to be implemented, while India would more typically present practical implementation lessons, Pakistan can typically present more in-depth lessons on statutory design. Table 4 outlines these lessons along with relevant evidence and potential avenues for implementation.

The most important lesson for Pakistan from India’s experience is that of strict enforcement of procedure within the specialized IP courts. Although India introduced specialized IP courts in mid-2010s, it is only recently that the practice of these courts has been standardized through 2022 regulations, which have introduced use of technical briefs, claim charts etc. Furthermore, courts dealing with cases of infringement and validity are dealing with these two issues together in several cases. In a recent landmark case of Ericsson v Lava, for instance, Ericsson’s case of infringement as well as of validity was finally decided in a single judgment. Such is not the case in Pakistan where all such disputes

are separately decided in several paths open to parties as evident from the facts of Getz v Servier.

A pro-tem deposit enables infringing products to continue to be on the market whilst, at the same time, patentees are protected in their claims. As noted above, Section 151 of the Code of Civil Procedure may be used in Pakistan to obtain similar relief. What is more significant though is that there is a real incentive for patentees to have their Patent defenses fully and properly determined by a court on the merits rather than having an ex-parte injunction entered which could render controversial determinations concerning infringement and validity as well as sanctions for non-compliance. Such damages to be awarded in a reasoned Award, as in Ericsson v. Lava (INR 244 crores) and costs of litigation, as customary, in such case.India's lessons run the other way, from statute towards practice. Section 61(2) of Pakistan's Ordinance spells out security, notice and review, a deadline for starting proceedings on the merits, and compensation for a defendant wrongly restrained. Indian courts reach most of the same results through discretion, but the test for *pro-tem* orders has not stayed stable between *Nokia v Oppo* and *Intex v Ericsson*, and written safeguards would make interim practice easier to predict. Pakistan's Tribunals also stand on a statute: the IPO Act fixes their jurisdiction, who may preside and where appeals go.

India has established Intellectual Property Divisions within the High Courts only, as mentioned above. Access to such specialized judges would thus be limited to the geographical limits of the lawsuits being conducted. In contrast, Pakistan has established Tribunals for hearing intellectual property matters in five cities across the country. On the other hand, the expertise required for dealing with patents is largely based in Delhi. Section 15 of the Intellectual Property Organization Act sets a ninety day time frame for the disposal of cases but we were unable to verify whether this is actually achieved for patent cases. India is proposed to adopt a framework of untested provisions of Pakistani legislation, some of which have been considered in a limited number of reported judgments.

Other lessons are shared. Most countries have large generic pharmaceutical industries and have to balance enforcing patents and making medicines available to patients. The lessons learned from the interim period's public interest rationale and from India's grant of a compulsory license to Natco to manufacture patented cancer medicines provide a positive answer to this question. In the meantime compulsory licensing in Pakistan (sections 58–59) has not yet led to one single license being granted. Moreover, these provisions have little impact unless and until they are actually implemented. Pakistan's legislation is more complete than that of India while practical implementation of patent rights is more advanced in India than in Pakistan. However, enforcement of patent rights by itself is not yet predictable enough for right holders. Implementation of xrange of intended reforms in either country will require a combination of legislative safeguards and specialized procedures.

Table 4
Mutual lessons between Pakistan and India.

Direction	Lesson	Model	Current gap	Possible route
Pakistan learns from India	Patent-specific procedure	Delhi IPD Rules 2022 and Patent Suit Rules 2022	Tribunals apply only the CPC (IPO Act s.17(2))	Tribunal rules under IPO Act s.34
Pakistan learns from India	Infringement and validity in one forum	High Court decides both (Patents Act s.104 proviso; *Ericsson v Lava*)	Separate routes (Ordinance ss.46, 47, 60(1)); *Getz v Servier*	Amend s.60(1) and the IPO Act, or designated High Court patent benches
Pakistan learns from India	Calibrated interim relief	*Pro-tem* deposits (*Nokia v Oppo*; *Intex v Ericsson*)	No reported use	CPC s.151 inherent powers, applied with s.61(2) safeguards

Pakistan learns from India	Reasoned damages and costs	*Ericsson v Lava*; Commercial Courts Act 2015	Damages rarely awarded; costs seldom granted	Tribunal rules; review of court fees and costs
India learns from Pakistan	Codified provisional-measure safeguards	Ordinance s.61(2)(a)–(g)	CPC Order XXXIX and judicial discretion	Amend the Patents Act, or High Court rules
India learns from Pakistan	Statutory specialised forum	IPO Act ss.16–19	IP divisions exist only under court rules	Legislation, or rules in each High Court
India learns from Pakistan	Specialisation beyond one city	Tribunals in five cities	Expertise concentrated in Delhi	IP divisions in other High Courts
India learns from Pakistan	Disposal time standard	IPO Act s.15 (ninety days)	No statutory disposal benchmark for patent suits	Court rules or legislation
Both	Balance enforcement and public health	India: *Natco* licence; public-interest interim reasoning	Pakistan: no compulsory licence identified (ss.58–59)	Doha-consistent use of existing provisions
Both	Combine statutory text and institutional practice	Pakistan's statute; India's practice	Each has only one of the two	Reform statute and procedure together

Note. Pakistani provisions listed as models are largely untested in reported decisions. Sources: Tables 2 and 3; Appendix A.

The findings also bear on international commercial law more generally. TRIPS harmonised the *content* of enforcement remedies but left their *delivery* to national choice, a freedom confirmed by Article 41.5 and by the *China – IPRs* panel. Two states with closely corresponding statutes and shared legal origins can therefore implement TRIPS in similar terms while offering patentees different levels of practical protection. This is consistent with Yu's (2011a) account of the TRIPS enforcement provisions as a negotiated floor and with the weight Dinwoodie and Dreyfuss (2012) give to national autonomy.

This interrelation between the four layers of patent enforcement is analyzed within the framework of the statute–institution gap model. The international layer is based on the minimum standards of enforcement agreed upon in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The layer of the national statutory framework contains the rights of patentees, the remedies available to them, the safeguards of patent holders and the procedural powers of all parties involved. The layer of institutional conditions consists of several characteristics of the adjudicative system and the way in which the above-mentioned powers are put into practice. The forum, the patent procedures, the degree of technical expertise applied, the unified handling of validity and damages issues as well as of costs, and last but not least the publication of reasons by the judiciary, all these aspects create the framework of practical enforcement within which patentees as well as other stakeholders such as defendants and members of the public can try to achieve their goals.

These interrelationships can be positively or negatively affected by the various layers of the patent system. Discretionary authorities are employed only by judges that are in possession of the required procedural instruments and have ample time at their disposal. Also, only those with sufficient experience can rely on a large body of precedents. Thus, a judicial system that does not publish the majority of patent cases lacks sufficient guidance to apply the statutory safeguards adequately. The variety of remedies available to the patentee has reciprocal effects. Damages are rarely awarded in patent cases, and therefore the validity of the injunction granted by the first instance court is frequently challenged in interim proceedings by both parties. The model is of an interpretive nature.

It was not constructed to empirically test the various relationships within the patent system layers. Thus, figures and correlations must not be mistaken for estimated causal effects. Fig. 3 shows the model.

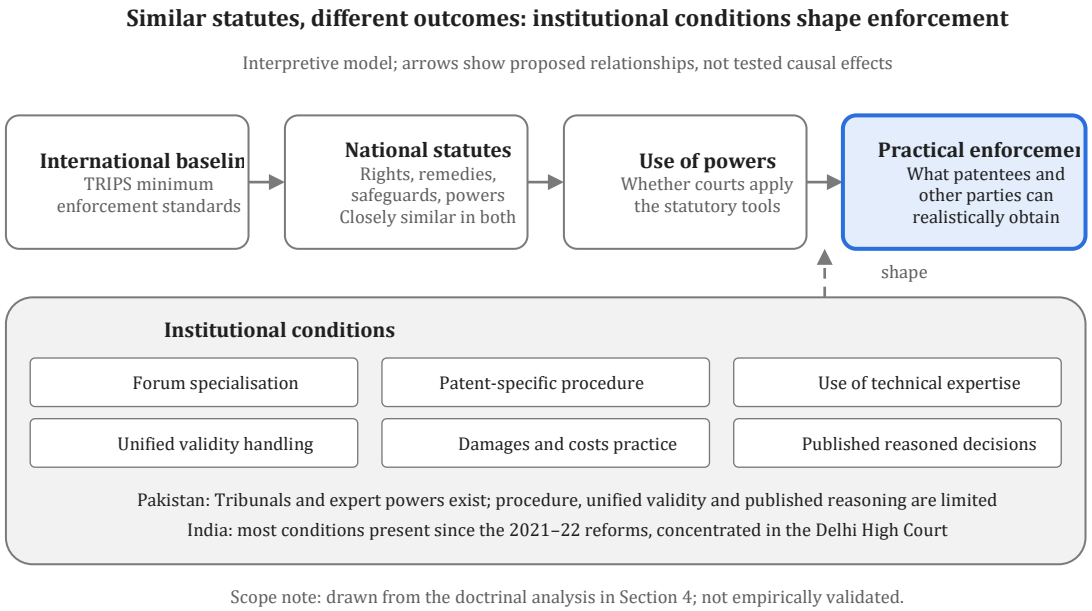


Fig. 3. The statute–institution gap model. The model organises the relationship between the TRIPS baseline, national statutory frameworks, the use of statutory powers and practical enforcement, with six institutional conditions shaping whether statutory tools are used. It is an interpretive framework drawn from the analysis in Section 4 and has not been empirically validated. Sources: Tables 2 and 3; Fig. 2.

International commercial law involves more than fulfilling the minimum standards of protection required by the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. In order to gain a complete understanding of the level of protection available in a jurisdiction investors and licensors must look behind the legislation to the institutional arrangements in place in that jurisdiction. And whereas in the past additional protection of intellectual property might have been obtained by further amendments to the relevant legislation today more value may be gained from a far-reaching reform of the institutional and procedural framework for its enforcement.

Conclusion

The patent laws of Pakistan and India contain provisions to fulfill all of the enforcement obligations contained in the Articles of the TRIPS Agreement examined above. The laws contain provisions relating to the exclusive rights granted under Article 28 as well as provisions relating to measures to be taken in provisional circumstances under Article 50. While the Patent Ordinance of Pakistan adheres more to Article 50 than the Patent Act of India does, both the Patent laws of Pakistan and India permit the involvement of technical experts in the courts. While the Patent laws of Pakistan and India contain provisions to fulfill all of the enforcement obligations contained in the Articles of the TRIPS Agreement examined above, whether Pakistan is complying and whether India is providing effective and timely procedures as stipulated in Article41 cannot be determined from the legal texts themselves.

Both systems are implemented by distinct sets of institutions. India's specialized High Court benches on patents operate under specific legislation, have technical experts on board and issue formal reasons for awards of damages and file interim measures such as a

pro-tem deposit. By contrast, the Intellectual Property Tribunals in Pakistan, which operate under the general civil procedure, have validity determination made in various ways and very few decisions on patents have been reported and even fewer have resulted in awards of damages. There are also marked differences in the two countries' approaches to border measures and to criminal actions under patents and these are not even mandated under the TRIPS Agreement for patents. While Pakistan can certainly learn much from India's procedural expertise as well as specific practices relating to issues of validity and of damages, there are a number of unique features of Pakistan's IP system that could be of benefit to India. These include codified interim measures, the Tribunals' statutory basis, their geographical spread and the fixed time frame for their disposition of cases.

A statute–institution gap model could be developed to explain differences in the protection afforded to right holders by means of basically similar legal claims. The model would denote compliance with the rules stipulated in the legal texts of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement by itself is not an adequate indicator for the effective enforcement of patents. This study is based on a limited number of judicial decisions from Pakistan and therefore does not examine the effects of the amendments. A subsequent research study could be based on an analysis of the records of the Tribunals and the duration of the cases. Furthermore, an investigation into the applicability of the model in other common-law countries could also be a subject of a subsequent research study.

Recommendations

Here are the options as developed by the analysis above. All of these are TRIPS compliant.

For Pakistan, initial action on the above options could be geared towards setting up patent-specific regulations for the Tribunals within IPO to be announced under section 34 of IPO Act, containing inter-alia, technical briefs, claim charts, case management, and evidence especially expert evidence. The Federal Government may also like to consider assignment of scientific advisers as envisaged in section 105(2)(x) of the Ordinance. The Parliament shall then determine the appropriate forum to address validity issues, whether it be to allow the Tribunals to deal with revocation counterclaims or by setting up High Court patent benches that would deal with transferred matters as well as revocation petitions. The Tribunals could also decide cases on merits and award damages, exercise their inherent powers under section 151 of the Code of Civil Procedure to require a security deposit etc. The relationship between patents and drug registration must be determined through legislation after due consultation instead of allowing matters to be determined through interim relief.

Interim relief measures as agreed in Article 50 could be incorporated into the Patent Act or into the Rules of Practice of the High Court(s) of India. While drawing on section 61(2) of Pakistan's Patents Ordinance, other High Courts may follow the example of Delhi's Intellectual Property division and establish their own IP divisions under their respective rules. Ultimately, a statutory basis for such divisions may have to be created by Parliament, and the public-interest considerations that have already been pronounced in two landmark patent cases, Roche v Cipla and Roche v Natco, should be formalized as rules or even conveyed as guidance by a Division Bench in all subsequent cases.

Declarations

Authors' Contribution

Name of Author	C	M	So	Va	Fo	I	R	D	O	E	Vi	Su	P	Fu
Sara Saeed	✓	✓	✓	✓	✓	✓		✓	✓	✓			✓	✓

Minahil shahbaz		✓				✓	✓	✓	✓	✓	✓	✓		
Anza fatima	✓		✓	✓			✓			✓	✓	✓	✓	

C : **C**onceptualization	I : **I**nvestigation	Vi : **Vi**sualization
M : **M**ethodology	R : **R**esources	Su : **Su**pervision
So : **So**ftware	D : **D**ata Curation	P : **P**roject administration
Va: **Va**lidation	O : Writing - **O**riginal Draft	Fu : **Fu**nding acquisition
Fo : **Fo**rmal analysis	E : Writing - Review & **E**diting	

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This study is based entirely on publicly available legal sources, including international treaty texts, national legislation, procedural rules and reported court decisions. It involved no human participants, personal data or animal subjects, so ethical approval and informed consent were not required. All sources have been cited and acknowledged in line with accepted standards of academic integrity.

AI Use Statement

The authors declare that no artificial intelligence (AI) tools or AI-assisted technologies were used in the preparation, analysis, interpretation, or writing of this manuscript.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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