



<http://www.nusacci.org.np>

Issue : 1

June 2026

Luncheon Meeting with U.S. Embassy Economic Team

The Executive team of the Nepal-USA Chamber of Commerce and Industry (NUSACCI), comprising office bearers, the Past President, Executive Committee Members, and advisor, hold lunch meeting with the U.S. Embassy Economic Team, including Zehra Naqvi, Economic and Commercial Officer, and Ananda Gurung, Economic and Commercial Specialist, on February 5, 2026, at Akama Hotel.



The meeting commenced with a brief introduction of participants. Mr. Kiran P. Saakha, President of NUSACCI, welcomed

the U.S. Embassy official and highlighted the Chamber's key activities and achievements over the years. Discussions focused on further strengthening

Nepal-USA economic ties in the years ahead, including matters related to the expiry of the Nepal Trade Preference Program (NTPP) and reciprocal tariffs.

On behalf of NUSACCI, meeting attended by Kiran P. Saakha, President; Sunil Shakya, Former President; Birendra Rajkarnicar, Vice President; Sanjai K. Agrawal,

General Secretary; Prnil Man Singh Pradhan, Treasurer; and Executive Committee Members; Pashupati Dev Pandey, Sunil Rajbhandari, and Balram Gurung.

NUSACCI-MITL General Election Observation

During the General Election of Nepal held on March 5, 2026, the Nepal-USA Chamber of Commerce and Industry (NUSACCI), in collaboration with the Multidisciplinary Institute of Training and Learning (MITL), participated in an international election observation mission.

procedures, poll closing, and vote counting. They also interacted with polling officials, security personnel, and voters to gain insights into the overall conduct of the election.

The NUSACCI team was led by President, Mr. Kiran P. Saakha, Executive Committee Member Mr. Rakesh Adukia, CEO Mr. Puranjan Bista,

Majid, Faculty Member at Boston University. Due to flight cancellations, international observers Mr. Sanjay Kaul and Mr. Steve Whalen were unable to join the mission.

NUSACCI extended logistical support to the international observers, including coordination, interpretation support,



The joint observation team covered three districts—Kathmandu, Bhaktapur, and Lalitpur—and visited a total of 14 polling centers. The team observed key electoral processes, including poll opening, voting

and Interpreter Ms. Chadani Lama.

On behalf of MITL, the delegation was led by Mr. Pralhad KC, President of MITL, and included Dr. Wasim H. Chaudhuri, Board Advisor at Boston University, and Dr. Zomana

preparatory meetings, and joint field visits to polling centers.

NUSACCI looks forward to continued collaboration with MITL, particularly in the upcoming local-level elections scheduled for 2028.



<http://www.nusacci.org.np>

Issue : 1

June 2026

Meeting with Richard Gere

Richard Gere, the highly acclaimed American actor and producer, rose to international stardom in the late 1970s and 1980s through his iconic roles in American Gigolo and An Officer and a Gentleman. He visited Kathmandu in March 2026 as part of a religious trip to Nepal. During his brief stay, President Kiran P. Saakha and members of the MITL Election Observation Team from Boston



— Pralhad KC, Dr. Washim H. Chaudhuri, and Dr. Zomana Majid — had the opportunity to meet Mr. Gere at Dwarika's Hotel in Baneshwor, Kathmandu. The meeting focused on sharing experiences and insights related to Nepal's recent general election observation efforts conducted in collaboration with NUSACCI and MITL. Charles Mandez facilitated the organization of the meeting.

World Intellectual Property Day

On the occasion of World Intellectual Property Day, the Nepal-USA Chamber of Commerce and Industry (NUSACCI), in collaboration with the Department of Industry (DOI), Nepal Copyright Registrar's Office, Garment Association Nepal (GAN), and Intellectual Property Protection Society Nepal (IPPSN), jointly organized an interaction program on April 26, 2026, at Hotel Dusit Princess, Lazimpat. The program aimed to celebrate the Day while fostering dialogue among key stakeholders on intellectual property rights (IPR) issues.

The theme for this year, set by the World Intellectual Property Organization (WIPO), was "IP and Sports: Ready, Set, Innovate," highlighting the growing intersection between intellectual property and the sports sector, with

that sports today extend beyond the field, driven by innovation that enhances safety and performance, and stressed that IP protection ensures creators receive due recognition and benefits.

He also reiterated key suggestions from the TIFA Council Meeting, stressing the need for Nepal to strengthen its IP regime. He pointed out concerns in the readymade garment sector and the products of multi-national companies having somewhat identical trademark, where counterfeit labels are widely used, underscoring the need for stricter monitoring and enforcement by the government. Furthermore, he mentioned the widespread availability of multinational brand products in the Nepalese market, which may impact foreign direct investment and government revenue generation.

The program featured four thematic

Registrar, delivered a presentation on "Copyright Law: Status and Direction in Nepal." Senior Advocate Sajjan Bar Singh Thapa presented an overview of IP in Nepal, while Janak Bhandari spoke on "Sports and Intellectual Property." The presentations collectively highlighted the current state of Nepal's IP regime, the need for early ratification of updated IP laws, and the linkage between sports and intellectual property.

The interactive Q&A session was moderated by Kiran P. Saakha, with panelists addressing questions raised by participants.

On the occasion, Hem Raj Dhakal, Vice President of FNCCI; PashupatiDev Pandey, President of GAN; and Bisu Kumar KC, President of IPPSON, also shared their remarks. The Chief Guest, Mukunda Prasad Niroula, Secretary at



a focus on innovation in sports products and activities.

Kiran P. Saakha, President of NUSACCI, delivered the welcome remarks, emphasizing the importance of intellectual property as a critical area requiring stronger government intervention and support. He noted that the theme underscores the role of IP in protecting innovation—ranging from sportswear design and new technologies to improved methods of play. He further highlighted



presentations. Jitendra Basnet, Director General of the Department of Industry, presented on "Industrial Administration in Nepal: Current Status, Challenges and Future Directions." Sabita Karki,

from the private sector and commodity associations, bilateral chambers of commerce, non-governmental organizations, academia, legal professionals, and members of the media.

the Ministry of Culture, Tourism and Civil Aviation, delivered his address, emphasizing the importance of intellectual property in Nepal's development context.

The program was attended by officials from the Government of Nepal, representatives



Industrial Property Administration in Nepal: Current Status, Challenges, and Future Directions

Introduction

Industrial Property (IP) plays a vital role in promoting innovation, protecting creativity, and supporting economic development. In Nepal, the Department of Industry (DOI) is the principal government agency responsible for administering industrial property rights, including patents, industrial designs, and trademarks.

Legal and Institutional Framework

The Constitution of Nepal recognizes intellectual property as a property right under Article 25 and places intellectual property under the exclusive jurisdiction of the Federal Government. Nepal's industrial property regime is primarily governed by the Patent, Design and Trademark Act, 2022 (1965), supported by the National Intellectual Property Policy, 2073, various operational guidelines, and international commitments such as the Paris Convention and the TRIPS Agreement.

The Department of Industry administers industrial property through a dedicated Industrial Property Section responsible for registration, examination, enforcement, and promotion of industrial property rights.

Major Forms of Industrial Property

The industrial property system in Nepal currently covers:

- ◆ Patents
- ◆ Industrial Designs
- ◆ Trademarks
- ◆ Collective Marks

The proposed Industrial Property Bill, 2082 seeks to expand protection to additional categories, including:

- ◆ Utility Models
- ◆ Geographical Indications (GI)
- ◆ Well-Known Marks
- ◆ Integrated Circuit Layout Designs
- ◆ Traditional Knowledge and Indigenous Innovations

These reforms aim to align Nepal's legal framework with international standards and emerging technological developments.

Current Status of Industrial Property Administration

According to the Department of Industry,

Nepal has registered:

Type	National	International	Total
Patents	54	36	90
Designs	114	210	324
Trademarks	39,369	31,514	70,883
Collective Marks	-	-	10

Trademark registrations constitute the largest share of industrial property filings in Nepal. In terms of dispute resolution and enforcement, the Department has handled more than 2,000 complaints related to industrial property infringement over recent years, reflecting increasing awareness and utilization of intellectual property rights.

Industrial Property and Sports

The 2026 World IP Day theme emphasized the connection between intellectual property and sports. Industrial property rights support the sports industry through:

- ◆ Protection of team logos, brands, and jerseys through trademarks;
- ◆ Patent protection for innovative sports equipment and technologies;
- ◆ Copyright protection for broadcasting rights;
- ◆ Branding and commercialization of sporting events.

These protections contribute to innovation, investment, and sustainable growth within the sports sector.

Key Challenges

Despite significant progress, Nepal's industrial property administration faces several challenges:

1. Outdated Legal Framework: Existing legislation does not adequately cover all modern forms of industrial property.
2. Record Management Issues: Physical records damaged during the Gen-Z movement require restoration and digitization.
3. Limited Digital Services: Online filing and management systems require upgrading and expansion.
4. Trademark Infringement and Bad-Faith Registrations: Unauthorized use and imitation of well-known marks remain a concern.
5. Low Public Awareness: Many entrepreneurs and businesses lack sufficient

knowledge regarding industrial property protection.

6. Human Resource Constraints: Limited availability of qualified experts affects examination and registration processes.

7. Lengthy Judicial Procedures: Resolution of intellectual property disputes often takes considerable time.

Future Directions

To address these challenges, the Department of Industry has identified several priority actions:

- ◆ Enactment of a comprehensive Industrial Property Act replacing the existing 1965 legislation.
- ◆ Introduction of modern online filing and management systems through the Intellectual Property Automation System (IPAS).
- ◆ Digitization and reconstruction of damaged records.
- ◆ Strengthening patent and design examination through expert rosters and technical evaluation mechanisms.
- ◆ Enhanced protection against trademark infringement and counterfeiting.
- ◆ Expansion of awareness and capacity-building programs across provincial and local levels.
- ◆ Improved access to services through digital platforms, reducing dependence on intermediaries.

Conclusion

Industrial property protection is essential for fostering innovation, entrepreneurship, and economic competitiveness. While Nepal has made important progress in establishing an industrial property administration system, significant reforms are necessary to modernize the legal framework, strengthen institutional capacity, and improve service delivery. The proposed Industrial Property Bill and ongoing digitization initiatives represent important steps toward building a more effective and internationally compatible intellectual property system in Nepal.

(Note: This article is based on presentation by DOI at the Interaction Program on the occasion of World IP Day "IP and Sports: Ready, Set and Innovate" held on April 26, 2026 in Kathmandu. The program was jointly organized by DOI, NUSACCI, GAN and IPPSON)



<http://www.nusacci.org.np>

Issue : 1

June 2026

The Illusion of Protection: An Unsettling Architecture of Industrial Property in Nepal

Authors: Sr. Adv. Sajjan Bar Singh Thapa, Adv. Priyanka Adhikari

An Outdated Foundation In The World Of Modern Intellectual Property

The promise to protect Industrial Property has had a long ride since 1936 when the first act in favor of Industrial property protection was enacted in Nepal. In 1965, a new act consisting of more explicit and elaborate provisions to protect the intellectual property was commenced. In light of the trending demand for trademark protection among other IPs, the government introduced Trademark Directive in 2072 B.S. and The Collective Mark Directive, 2067 B.S. Apart from the mentioned statutes and directives, a few regulatory frameworks to govern trademark procedures such as “Trademark karyasanchalan Digdarshan” was also published in 2072 B.S. Besides these acts, Copyright Act (2059 B.S.) and Copyright Rules (2061 B.S.) were brought forth for the protection of all copyright and related issues. But, issues of copyright were separated under a distinct umbrella; governance and regulations of which was separated from the box of industrial property. Further, it is pertinent to note that no separate acts or regulations have been promulgated to promote any other forms of industrial properties. Industrial Property is governed by Ministry of Commerce, Industry and Supplies while Copyrights and related rights is governed by Ministry of Culture, Tourism and Civil Aviation.

Institutional Gatekeepers of Industrial Property Rights

When the Regulator Becomes the Judge: A System Caught Between Administration and Justice

The preliminary jurisdiction to hear the disputes for industrial property is the Department of Industry (hereinafter referred to as the “DOI”), which operates under the Ministry of Commerce, Industry and Supplies. DOI acts as a preliminary jurisdiction for examination, opposition, cancellation and dispute related matters for all the Industrial properties. This means, if an examining officer of the DOI, rejects any application and

the applicant needs to file for cancellation or dispute. Even though the decision provided by the examination officer can be reviewed by the quasi-judicial authorities and section of the DOI. That is, the officers deciding on the issues of dispute and trademark administration are not the same. The applicant essentially, has to be adjudicated by the DOI itself. Being the same body, there have been times when it has been hesitant to reverse its own decision. This institutional structure raises serious concerns regarding procedural fairness, impartiality, and compliance with fundamental principles of natural justice, particularly the doctrine against bias (*nemo iudex in causa sua*), which means no one should be a judge in their own cause. By concentrating investigative, administrative, and quasi-judicial functions within the same body, the current framework effectively permits the DOI to sit in review over its own decisions. This gravely undermines the appearance and substance of independent adjudication. This sort of arrangement not just weakens the confidence in the dispute resolution process. But also falls short of internationally recognized standards of administrative and adjudicatory independence expected within a modern intellectual property system.

Further, the decision giving authority is vested on a team comprising of one legal officer (bench assistant) and the Director General (DG) of the DOI. While legal officer has some level of legal training and not much exposure or training on IP related laws and issues, they are usually long-term staff working to ensure everything runs smoothly behind the scene. The Director General, on the other hand, who effectively functions as the sole adjudicatory authority in all legal and quasi-judicial matters before the DOI is not required to possess expertise in law, adjudication, or intellectual property. In practice, the DG is often appointed from

an administrative or technical background, with limited exposure to judicial reasoning or principles of due process. Moreover, the tenure of the DG is usually brief, often not exceeding two years, resulting in a lack of continuity, relevant training, institutional consistency, and development of specialized jurisprudential competence in intellectual property adjudication. This institutional arrangement raises serious concerns as to whether disputes involving complex questions of proprietary rights, commercial reputation, and statutory interpretation are being determined through the application of an adequately trained judicial mind. The concentration of adjudicatory powers with the appointed DG lacking mandatory legal qualifications further blurs the distinction between administrative governance and judicial determination.

The number of total human resource in the legal team is merely 4. DG as the adjudicating authority, 2 bench assistants and 1 administrative assistant for the legal disputes in the DOI. This is really less against the demand of the preliminary jurisdiction. Decision made on judicial administration, orders passed by the DOI are never published, simply citing lack of human and technical resources. Thereby undermining the principles of independence, competence, and fairness that are fundamental to any credible dispute resolution mechanism. These problems pose a serious threat to the duty of the DOI to protect intellectual property. On the surface, it looks like the DOI has it under control but on the inside the cracks made by lacking resources to function as a regulating body, the institutional arrangement of functioning as both an executive and judicial authority along with the concerns of procedural fairness, use of judicious mind, natural justice among others is inhibiting to provide IP protection through this preliminary jurisdiction.

The Fragility of IP Jurisprudence in Appellate Courts

High court is the immediate appeal jurisdiction for industrial property disputes¹. Further, one can go to the supreme court to appeal the decision of the high court. The appeal jurisdictions although having a separate commercial bench to resolve disputes of corporate issues; does not reflect expertise in intellectual property issues. To begin with, there are very few IP trainings provided to judges administering commercial bench. This is further reflected in the judgements of appeal jurisdiction. For instance, in the *Center Fruit v. Center Fillz* case², protection was granted to a foreign product beyond what was granted in its own home registration country. Although praised for providing protection to a foreign mark, there was no adequate reasoning or evidence to justify the need of protecting a foreign mark beyond the protection granted in its own home country. Such ratio might have gained attention for deciding in favor of the popular party. But when a court gives a decision, it needs to be elaborative in its ratio. Without doing so, it can be tainted for providing a populist decision. These decisions of the appellate courts raise serious concerns among observers, academics, and stakeholders within Nepal’s intellectual property ecosystem as to whether judicial determinations are being guided by coherent legal reasoning and institutional consistency, or are instead influenced by populist appeal, individual discretion, external pressures, or an uncritical inclination toward international considerations without adequate doctrinal foundation. A full bench decision of the Supreme Court is deemed as the highest degree of decision that cannot be preceded by any other bench, unless the full bench of Supreme Court itself overrides its prior decision. *Goldstar Case*³ is the only full bench decision on intellectual property provided by the Supreme Court till date. Which means, procedurally, no lower bench can override this decision. However, in the case of *Tiger beer case*, the court over looked the fact



<http://www.nusacci.org.np>

Issue : 1

June 2026

that Golden tiger trademark was already registered in the DOI, when DOI registered Tiger beer in Nepal. Hence it flouted proviso clause of Sec 18, Which states a trademark shall not be registered if it is already registered by someone else. The DOI did not check its own database, making second registration void ab initio. It is pertinent to note that both were distinct beer brands and competing products. In above both scenario Supreme Court could neither grasp the meaning of proviso clause of s.18 nor the distinctiveness concept outlined by the DOI. Alternatively, this case reflects a classic example of how a division bench decision of the Supreme Court keeps deviating from its full bench decision, without any explanation. If the appeal courts are not complying with its own protocol, are they contradicting the presiding judgement due to irrelevance is a fundamental question the judiciary has to answer. This also reflects a pertinent question, on whether it is lack of jurist mindset or courage to provide a consistent, just and relevant jurisprudence.

Decisions provided in the Nerolac Case⁴, and the cross-class protection granted reflects an emerging and a dangerous trend where expansive protection is afforded to foreign entities without a clearly reasoned doctrinal basis. Such judicial tendencies raise legitimate concerns as to whether Nepal's intellectual property regime is being shaped through an independent assessment of national commercial interests or through excessive deference toward international and Western-centric standards of protection.

Appeal jurisdictions are often applauded for siding and protecting foreign marks. And when it is just,

it is a duty fulfilled. However, when an appeal and appellate court makes a judgement against a local mark without substantial grounds and reasonable justification, it poses a threat to the essence of judiciary's function on protection of IP. Further, lauding the act of judiciary when it fulfils its international obligation is fine. But it becomes an obstruction when the same becomes an influence or a threat for presiding authorities to give a judgement against foreign marks. The judiciary should be independent of influences while giving its judgement. What is apparent is the crack in our appeal jurisdictions that is neither consistent with its own precedents, nor explicit while giving its ratio. There is an illusion of protection amongst the general mass just because the appellate jurisdictions usually side with a more powerful or a foreign mark. The overreaching decisions of appellate jurisdictions without any doctrinal and reasonable suffices are often poignant to replay. We see tooting of one's own horns without much judicial research of the bench, albeit to show how the judiciary is now more compliant with international obligations. But a true interpretation of international IP law is not correlated to how many foreign marks are the courts awarding the decision to. The compliance of international IP law is rather a mark of how justly and impartially a decision is reached to, in lieu of the country's own legal standing.

Filling the Crack: From Legal Transplantation to Contextual Reform

In light of the growing complexity of intellectual property disputes and Nepal's increasing engagement with

the global economy, the need for comprehensive reform of Nepal's IP framework has become both inevitable and urgent. One of the foremost questions in this regard is whether Nepal should continue governing patents, designs, and trademarks through consolidated intellectual property code or move towards a fragmented legislative structure. While several jurisdictions such as the United States, the European Union, and India continue to maintain separate legislative instruments for different forms of intellectual property owing to their distinct doctrinal foundations and policy objectives, countries such as Russia and the Philippines have adopted unified IP codes to ensure institutional coherence and procedural efficiency. However, as explained above, the legislative fragmentation alone cannot resolve the deeper structural deficiencies within Nepal's IP system unless accompanied by meaningful institutional reform. If the government plans to keep a consolidated IP Code and regulation, it must also invest in its IP regulation, administration and protection by hiring adequate resources, providing proper training and inculcating experts within the community.

The absence of specialized expertise within examining authorities and judicial bodies continue to hinder the development of consistent and principled intellectual property jurisprudence. This deficiency becomes particularly concerning when courts appear to disproportionately favour foreign right holders without sufficiently articulating the legal rationale or balancing domestic economic realities.

The reason behind this influenced mindset has been on informal

occasions, commonly cited to be an initiation to attract foreign direct investment. However, there is no research to establish that there is any correlation between a country's increased foreign direct investment with IP decisions favourable to foreign marks regardless of their legal standing in the matter.

In least developed countries such as Nepal, intellectual property law cannot merely function as a mechanism to attract foreign direct investment; it must also safeguard domestic entrepreneurship, local innovation, traditional industries, and fair market competition. This necessitates the establishment of a harmonized and specialized adjudicatory mechanism capable of delivering technically sound, impartial, and commercially balanced decisions. More importantly, future legal reform must be guided by Nepal's own socioeconomic realities and developmental priorities rather than the wholesale transplantation of foreign legal models. While international harmonization remains important, blind imitation of foreign IP regimes without contextual adaptation risks creating a legal framework that serves external commercial interests more effectively than Nepal's own innovation ecosystem. The illusion that the authorities have been providing protection should be actualized. Although an IP bill has been proposed, similar patterns seem to have been repeated in the statute per se. That is, legal transplantation from neighbouring countries without analysing the need, potential of the Nepalese market. Nepal is set to graduate in November 2026. It is time, we set a correct foundation and framework for the protection of industrial property.

¹ S. 27 of the Patent Design Trademark Act, 1965 (hereinafter referred as PDTA, 1965)

² Perfetti Van Melle S.P.A. V. Perfect Center Fillz [Case No. 077-CI-0301]

³ Nur Pratap Rana v. DOI NKP 2062, Vol. 05, DN 7536

⁴ Kansai Nerolac Paints Limited v. Rukmini Chemical Industries Pvt. Ltd et. al., NKP 2077, Vol. 08, DN 10651

Welcome to Our New Members

On behalf of Nepal-USA Chamber of Commerce and Industry (NUSACCI), we are pleased to extend warm welcome to our new members. Your decision to join NUSACCI strengthens our shared mission to foster business collaboration, growth, and opportunities between Nepal and the United States. We proudly welcome:

- Omkara Export Pvt. Ltd.
- Nepa Crafts
- Infinite Software Services Nepal Pvt. Ltd.
- Tripura Carpet Industries Pvt. Ltd.

We look forward to closely working together with our new members.

Warm regards,

Nepal-USA Chamber of Commerce and Industry (NUSACCI)



<http://www.nusacci.org.np>

Issue : 1

June 2026



CONGRATULATIONS

On behalf of the Nepal-USA Chamber of Commerce and Industry (NUSACCI), we extend our heartfelt congratulations to our Member and the President of Nepal Wool Felt Producer's and Exporter's Association, **Mr. Naresh Lal Shrestha**, on being elected as Vice President (Commodity) of the Federation of Nepalese Chambers of Commerce and Industry (FNCCI).

We wish every success and extend our best wishes for a productive and successful tenure.

Kiran P. Saakha
President

Nepal-USA Chamber of Commerce and Industry (NUSACCI)



CONGRATULATIONS

On behalf of the Nepal-USA Chamber of Commerce and Industry (NUSACCI), we extend our heartfelt congratulations to our Executive Committee Member and the President of Garment Association Nepal, **Mr. Pashupati Dev Pandey**, on being elected as an Executive Committee Member (Commodity) of the Federation of Nepalese Chambers of Commerce and Industry (FNCCI).

We wish every success and extend our best wishes for a productive and successful tenure.

Kiran P. Saakha
President

Nepal-USA Chamber of Commerce and Industry (NUSACCI)

For Comments and Suggestions please contact us : Nepal-USA Chamber of Commerce and Industry (NUSACCI), Tinkune, Kathmandu, Nepal, Phone: +977 1 4117594, Email: info@nusacci.org.np