

UNESCO
WORLD ANTI PIRACY OBSERVATORY

PAKISTAN

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I. Legislation

1. Copyright laws

Copyright is protected in Pakistan through International Agreements, the [Copyright Ordinance of 1962](#) as amended in 2000 for compliance with the TRIPS Agreement, the [Copyright Rules of 1967 as amended in 2002](#), the [International Copyright Order of 1968](#), [the Copyright Board \(Procedure\) Regulations of 1981](#), as well as other legislation related to enforcement of copyright or affecting copyright protection.

2. Other laws

The other law pertaining anti-piracy measures and copyright enforcement is the Pakistan Electronic Media Regulatory Authority Ordinance of 2002 (last amended in 2007) which provides measures to combat media/cable piracy.

3. Latest developments and perspectives

There are no planned amendments at the present.

4. Summary of legislation

- *Exclusive rights of the authors and of owners of neighboring rights*

Exclusive Rights of the authors

Section 3 of the Copyright Law of Pakistan provides exclusive rights to the author/owner of the copyright in particular, the following:-

- Publication
- Reproduction
- Broadcasting
- Public Performance
- Adaptation
- Translation
- Public display

Exclusive Rights of owners of neighbouring rights

Rights of performers and producers of Phonograms (sound recording)

Section 24A of the Copyright Law of Pakistan provides the following rights to the performers and producers of Phonograms (sound recording):-

- The performers shall have the right to do or to prevent fixation of their unfixed performance and reproduction of such fixation and broadcasting by wireless means and communication to the public of their live performance.
- The producers of Phonograms shall have the right to do or to prohibit the direct or the indirect reproduction of their fixation and any rental thereof

Authors enjoy also special rights (moral rights) which are set forth in Section 62 of the Copyright Law.

Rights of broadcasting organizations

Section 24 of the Copyright Law of Pakistan provides the following rights to the broadcasting organizations:

- the rebroadcasting of their broadcasts
- the fixation of their broadcasts
- the copying of fixations made of their broadcasts
- *Exceptions and limitations to copyright / Permitted Acts in relation to copyright works*

Articles, 36, 37 and 57 of the copyright law sets forth exceptions and limitations to copyright. The conditions in which users can use copyright works without the permission of the right holders include education, criticism, research, reporting for newspapers etc.

- *Protection of foreign works*

The Copyright law of Pakistan extends to “foreign works”. Sections 53 and 54 of the Copyright law and International Copyright Order of 1981 relates to “foreign work”.

- *Period of copyright protection*

The period of protection of copyright is the life of the Author plus 50 years after the death of author. Sections 18 to 23 of the Copyright Law refer to the period of protection of copyright. Sections 24 and 25 set forth the term of protection for neighboring rights.

- *Registration*

Sections 38 to 42 of the Copyright Law relate to the registration of copyright.

The Registrar of Copyright is the competent authority for copyright registration. Registration of copyright is optional in Pakistan; however, the copyright work owner can claim protection under the law. The procedure for registration of copyright is as follow:-

- Filing of application with Pak. Rs 500 (US\$ 6) fee for one time only
- Examination
- Publication in newspaper (Artistic Works only)
- Opposition, if any
- Issuance of a Certificate by the Registrar of Copyrights (Registration)

5. International treaties

Pakistan is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention on the Protection of Literary and Artistic Works](#)
- [Universal Copyright Convention](#) (UCT)
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS)

II. Measures and Remedies

1. Copyright infringement

Section 56 of the Copyright Law relates to the copyright infringement under the law as produced below:-

Copyright in a work shall be deemed to be infringed:

- a) when any person without the consent of the owner of the copyright or without a license granted by such owner or the Registrar under this Ordinance or in contravention of the conditions of a license so granted or of any condition imposed by a competent authority under this Ordinance;-
 - i. does anything the exclusive right to do which is by this Ordinance conferred upon the owner of the copyright; or
 - ii. permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for suspecting, that such performance would be an infringement of copyright, or
- b) when any person:-
 - i. makes for sale or hire or sells or lets for hire, or by way of trade displays or offers for sale or hire, or
 - ii. distributes either for the purpose of trade to such an extent as to affect prejudicially the owner of the copyright, or
 - iii. by way of trade exhibits in public, or
 - iv. imports into Pakistan any infringing copies of the work.

There is no special provision for internet piracy in Pakistan's Copyright Law, however, copyright violation in any mode or media is considered infringement/piracy.

2. Remedies to protect copyright holders

Civil remedies

Sections 60 and 60A of the Copyright Law relate to civil remedies for infringement of copyright.

Criminal remedies

Sections 66, 66A to 66E, 67 to 70, 70A to 70B and 71 to 74 relate to criminal remedies for infringement of copyright.

3. Provisional measures

Section 60A of Copyright Law of Pakistan relates to the provisional measures.

It states:

- a) where copyright in any work has been infringed and the owner of the copyright is unable to institute immediate regular legal proceedings for sufficient cause, the owner or any other person having any interest in the copyright in the work, may apply to the Court for immediate *provisional orders* to prevent infringement of the copyright in such work and for

preservation of any evidence relating to such infringement notwithstanding that regular proceedings in the form of a suit or other civil proceedings have not yet been instituted by the owner.

- b) The court may pass *any interim orders* envisaged in sub section (1) without prior notice to the defendant, if the court is satisfied that the applicant has some interest in copyright in the work and the right of the applicant is likely to be infringed, effected or prejudiced and any delay in passing such orders is likely to cause irreparable harm to the applicant or where there is a reasonable risk of evidence, either being destroyed, hidden or removed from the jurisdiction of the court or otherwise there is a likelihood or frustration of the intended proceedings if immediate action could not be instituted or there is likelihood of multiplicity of proceedings in the absence of such orders.
- c) Where the copyright owner or any other person having any interest in the copyright has sought *interim orders* as provided in sub section (1) and (2), such order shall cease to have effect if a suit for infringement of copyright or other civil proceedings are not initiated within a maximum period of 30 days, and where such regular proceedings have been filed by the owner of the copyright, the provisional proceedings in respect of such a work by whosoever filed shall merge in to the regular proceedings.
- d) While exercising powers under subsection (1) and (2), the court, in case of import or export of consignment containing infringing copies of works, may direct the customs authority in whose custody such consignment is lying for the time being to refuse release of such consignment pending decision of the matter by the court.
 - i. Provided that where interim orders are revoked or cease to have effect due to any act or omission of the applicant the court may award appropriate costs to the defendant for any injury caused.

4. Penalties for copyright infringement

- *In civil cases*

There are no penalties in civil cases.

- *For criminal offence in copyright cases*

Sections 66 and 66A to 66E are relevant provisions of the law.

The penalty for a person who is guilty of a criminal offence in copyright cases is as under

- Up to three years Imprisonment
- Fine up to one hundred thousand Pakistani Rupees.
- Or both

The Criminal Court is also empowered to award compensation to the aggrieved copyright holder to the extent of 50% of the fine imposed upon the infringer (Section 74).

- *Seizure, confiscation, forfeiture and destruction of all infringing copies*

The Criminal Courts have the power to seize, confiscate, forfeit and or destroy all infringing copies and equipments or devices used in the manufacture of the infringing goods (Sections 60, 63, 65A, 65B, 67 and 73).

The penalties do not include the publication of the judgment in newspapers or professional magazines.

5. Requirements for foreign persons

Copyright is a private right and every right owner or his agent have the right to access all the enforcement agencies and judiciary with in the legal frame work for the protection of his copyright work.

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

- Police- Section 74 (3) of the Copyright Law.
- Federal Investigation Agency- Second Schedule of FIA Act of 1974.
- Customs- Sections 58, 65A to 65C of the Copyright Law.
- Judiciary- Civil/Criminal- Sections 59 to 77 of the Copyright Law.
- Pakistan electronic Media Regulatory Authority (PEMRA)- PEMRA Ordinance 2007.

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

There is no enforcement bodies entitled to act ex-officio in copyright infringement cases.

c) Courts dealing with copyright cases

There are no specialized courts for copyright/ intellectual property rights.

Normal Civil Courts (District and Session Judge) and Criminal Courts (Magistrate of First Class) have jurisdiction under the law.

2. Enforcement at the border

- There are specific measures under the Act for enforcing copyright at the border (sections 58 and 65A to 65C of the Copyright Law).
- The Customs Authorities and Registrar of Copyrights are the competent authorities responsible for administering application for copyright infringements at borders.
- The importer and the copyright holder are notified in a timely fashion of the suspension of the release of the goods by the customs.
- The competent authorities may order the destruction or disposal of infringing goods after following the appropriate legal procedure.
- The law does not provide for a de minimis import exception (such as the import for personal use of a non-commercial quality and new items acquired for personal use).

IV. Public Awareness

1. Awareness campaigns and actions

IPO-Pakistan has organized workshops, seminars, IP Awareness walks, talk shows, exhibitions, meetings with stake holders, Print Media Campaign etc for creating IP awareness among the masses.

2. Promotion of legal exploitation

Copyright being a private civil right no such initiative is taken or intended.

3. Associations and organizations with awareness-raising purpose

Information not available

4. Best practices

Information not available

V. Capacity-building

1. Training

- Creation of an intellectual property unit

IPO-Pakistan has established Regional IPR Enforcement Coordination Committees in Karachi, Lahore and Islamabad. All the enforcement agencies, Judiciary, Pakistan Electronic Media regulatory Authority (PEMRA) and Federal Bureau of Revenue (FBR) are its members. The members of the Committee meet on quarterly bases and review the IPR enforcement in their jurisdiction. Besides, Federal Investigation Agency (FIA) has established special IPR Directorate whereas Pakistan Customs have established Anti Piracy Cells (APC) at airports.

- Specialized copyright enforcement and anti-piracy training, including by training institutions of Ministry of Justice, Ministry of interior or other relevant authorities;

IPO-Pakistan with the assistance of WIPO, CLDP, European Patent Office (EPO) and other IP friendly countries has trained personnel of enforcement agencies, Judges and concerned stakeholder ministries.

2. Establishment of specialized units and intersectoral groups

- Inter-sectoral groups fighting piracy and help in the enforcement of intellectual property rights:

Pakistan Intellectual Property Solutions (PIPS) is a private IP Crime detective Organization.

Anti-Counterfeiting and Infringement Forum (ACIF) is a private forum against infringement and counterfeiting.

- Copyright or intellectual property associates/ organization/bodies

Pakistan Industrial and Intellectual Property Association (PIPRA) is an association of IP Attorneys. Pakistan Intellectual Property Solutions (PIPS) is a private IP Crime detective Organization.

Anti-Counterfeiting and Infringement Forum (ACIF) is a private forum against infringement and counterfeiting.

3. Best practices

All the information regarding the IP activities are available on IPO-Pakistan's website which is as under www.ipo.gov.pk.

After its inception in April, 2005 IPO-Pakistan launched a number of organizational, administrative and functional initiatives to upgrade the institutional infrastructure; design a flat and lean service structure; provide attractive salary package and afford necessary capacity building opportunities to reform, restructure and reorganize intellectual property management in Pakistan. IPO-Pakistan's Enforcement Coordination Initiative has not only developed effective linkages with all the agencies in the enforcement chain but also with the private sector investigation agencies engaged in detection of IP crime. As this initiative is developing its synergies, the market space for piracy and counterfeiting has started shrinking and dwindling with expanding enforcement and deepening IP awareness in the country. IPO-Pakistan established effective coordination with all agencies in the enforcement chain. The following activities have been undertaken by the IP management and enforcement agencies, namely:-

- Within the first month of IPO existence, FIA cracked down in May, 2005 on the notorious piracy infrastructure to demonstrate Government's administrative firmness behind its IP initiative;
- Pakistan Customs established Anti-Piracy Cells (APCs) at the country's major international airports to institutionalize government's anti-piracy drive. This was for the second time in the history of Pakistan Customs after Anti-Narcotic Cells (ANCs) that antipiracy drive was institutionalized in the form of APCs;
- While FIA and Pakistan Customs were busy controlling the supply side of piracy, IPO launched a number of demand control initiatives to curb local demand for pirated optical discs.
- IP crime detection agencies in the private sector have been linked through enforcement coordination.
- These activities are being firmly sustained and strengthened for elimination of counterfeiting and piracy in the country. As a result vendors and business associations are increasingly assuring compliance.
- The all Pakistan CD/DVD Vendors Association has started self-regulating their vendor members in the far and wide of the country. They have also promised to establish trend setting zero-piracy vending facilities at different cities of the country. The Vendors Association is pursuing both these objectives in right earnest and with full sincerity of purpose.

- Establishment of an IP Academy Pakistan under IPO-Pakistan which has started arranging training programmes for the stakeholders.
- Celebration of the World IP Day on 27th April, 2009 in which the chief guest was Honorable Prime Minister of Pakistan, and brought the attention of print and electronic media towards the IP.
- Regional IPR Enforcement Coordination Committees were established in Karachi, Lahore and Islamabad whose members are all the enforcement agencies, Law Division, Pakistan Electronic Media Regulatory Authority (PEMRA), Federal Bureau of Revenue (FBR) etc which quarterly review the IPR enforcement activities.
- Since April, 2005 till December, 2008, FIA has registered 60 cases against the strongholds of piracy and ceased huge stuff of pirated goods. Police has conducted over 4000 raids against pirated and counterfeiting goods. Similarly Pakistan Customs has also detected 335 piracy and counterfeiting cases and has dried up export of pirated optical discs.

VI. Other

1. TPM/DRM

There is no legislation providing for TPM.

2. Licensing Schemes

Information not available

3. Optical Discs

Information not available

4. Hotlines

Information not available

5. Contact Details

Federal Investigation Agency

Website: www.fia.gov.pk.

Pakistan Customs

Website: www.fbr.gov.pk

PIPS

Website: www.pips.pk

ACIF

Website: www.acif.org.pk

IPO (all the information regarding the IP activities are available on IPO-Pakistan's website)
Website: www.ipo.gov.pk