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Analysis of State of Copyright in Pakistan

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Abstract

With the development of science and technology, changes in the nature and scope of creative materials have also changed the international standards, in which the law of copyright or copyright is of great importance, which has changed society I raised a new awareness regarding the right to ownership which protects the rights of producers, brands, logos, monograms, publishers, authors, creators, R-tests and others. Copyright not only gives fame and fame in the society but also provides a guarantee of economic stability. All these types of industries, including audiovisual, photography, film, drama, TV, music, certification books, newspapers, magazines, copying maps. The translation provides legal protection to prevent actions such as repeated publication, reprinting, in any case, to encourage the creator. Copyright as law provides answers to questions about why a person should spend his precious time and capital on various creative works that other people can easily copy without investing time. Copyright not only provides protection to products, brands, logos but also stabilizes trade, spreads of education and continuously increases production and the right of users and producer is also protected. The author used to get identification regarding his creations and products, but not compensation. When the real owner gets the right to write something, then when someone else takes permission and uses it, you can ask for compensation in exchange for that permission If he does the opposite. So, you can prevent it from using your products or content and exercise your right to take legal action or action

against it-Pakistan Copyright Act and Islam also present Code of Conduct for Produce Services, Safin, Creativity based on truth, honesty and transparency on doing business and advertising products.

Keywords: Keywords

Copyright Act Pakistan, IIPA, International Intellectual Property Alliance, IBC, International Berne Convention, Book Piracy, World Copyright act Organization, Economic survey of Pakistan, Concose Graphic corporation, National Book Foundation

Introduction

Intellectual progress in society is expressed in works of print, visual, audio, and audio-visual sequences. The creators of these works and their heirs have certain natural rights that not only secure their official ownership of the work but also give them their own. They also give you the option to use it to get financial benefits. In Confucian tradition, copying one's work is a sign of the highest respect and respect for the creator of that work. Even in the current scenario, there is a waiver in the scope of the copyright system in favor of the wider cultural and sometimes economic development of society at large. The Indian Copyright Act today conforms to most international conventions and agreements in the field of copyrights. With the increase in Internet connectivity and the sharing of literary, dramatic, musical, and artistic works, films, and sound recordings against the background of digital piracy and security, "Global Empowerment with Information" has been debated.

When someone talks about the meaning of copyright, they mostly refer to the right to copy the work of the owner of such artistic and literal work, but not for any other user of such work. And some considered it mostly as the exclusive economic rights of the work owner. The purpose of this paper is to try to look at the different legal definitions of the meaning of copyright by looking at the different authors of different books. It is to be seen whether these definitions encompass all aspects of what the actual amount of copyright is. The copyright aspect has been discussed extensively in most intellectual property and information, communication, and technology law texts.

Almost all countries in the world have copyright laws, but not only the writers who present their views on various topics in written form or have a limited circle of readers, but the world-renowned and most popular writers and publishers affected are also seen as violating this law. Violation of copyright laws is common in developing countries like Pakistan.

To do business on a transparent basis in the Islamic Republic of Pakistan, to advertise products, to produce services, to consumers, to create products, to brand people, Monogram and book piracy is a serious problem that guarantees the economic interests of all of them. Its applied situation is disappointing. There is information about copyright, but it is believed that this law has not been proven effective in the light of the reports of the International Barren Convention (IBC) and the International Intellectual Property Alliance (IIPA) and the brand logo of products under the copyright of the Islamic Republic of Pakistan the reasons for monogram and book piracy are very important to review in the legal context of copyright measures and remedies.

Research Methodology

Historical qualitative and narrative research was adopted for the research under the title Copyright Acts and interviews of the Islamic Republic of Pakistan were used for the primary

source of the research, while books, newspapers, research papers, websites, etc. were included as secondary sources.

Background of the Problem Copyright

Before the invention of the printing press, books were written by hand, which was a laborious task. Only organizations like the rich class and the church could buy books. Acquiring knowledge is extremely expensive and was beyond the reach of the common man. Downstream of information. The ruling class had control over the transmission and all the book sources which were the means of acquiring knowledge because they considered knowledge as a threat to their power and authority. The printing press began in an authoritarian environment. In Germany, the printing press invented by John Gutenberg appeared as a representative of change in the world. (1) Which played an important role in making the society a market of free ideas and created a challenge for the rulers. The purpose of the church and the monarchy was to prevent the promotion of new ideas among the people. They believed that the common people should be allowed to know only those things from which the ruling system. There is no danger. Therefore, in the very early days of printing books, when the first book Bible was printed on the printing press, it did not create any kind of problems for the government of the time, but gradually pamphlets. They started publishing in regional languages. In which the people were informed about their rights, the rulers started imposing restrictions and in the time of Henry VIII, they issued permits for printing books. The system was introduced. The Catholic Church issued a decree that no book could be published or purchased without the will of the Church. A similar decree was issued by King Charles IV of France that no material of any kind could be printed unless the king's special permission do not get. (2)

For almost two years after the invention of the printing press, the printing press remained in personal ownership and the problem for the rulers was how to impose restrictions on the media while it was owned by him, I was not. Therefore, before printing any material for each publisher, there was a permit obtained from Star Chamber without which any kind of material could not be published from the printing press. The license was terminated for writing against the will of the government and he was fined and sent to jail. With the restriction of license, publishing and printing materials were demarcated in such a way that a stationer's company was established consisting of government authorized printing houses and privileged publications. Printers in England were known as stationers The Company was given the option to register all books. And this right was available only to the members of the company and the rights of the books were recorded in the name of the company instead of the author. The company excluded many raiding boxes from the printing business and imposed heavy fines on some. The company's monopoly finally ended when the Parliament of England did not restore its authority. Then England and Scotland became one, as a result the Anglo-Scottish Union came into being and the new Parliament had the powers to legislate for both countries. (3)

These laws of licenses and permits can be called the basic form of copyright. When the trend of reading and writing increased, a new society came into being. A motion was created to

enact a new law, which resulted in the introduction of the first copyright act titled “Act for the Encourage of learning”. (4) The society entered a transitional period from traditional to modern, thus ending the old system under which printing rights were acquired by publishers forever and the literature would be closely censored. This first formal copyright law eliminated plagiarism. Strengthened the trade of books, continuously increased the spread of education and the production of useful literature. This law provided legal and economic protection to the author, the publisher for a fixed period of fourteen years and the books already published for twenty-one years. Earlier, the author used to get identification regarding his creation but not compensation. This law abolished the monopoly of the stationer’s company. (5)

The first office to enforce copyright laws in the United States was opened in 1790, and now about four hundred employees in the same office work on copyright in the United States. How to make it possible to implement the rules. According to the copyright definition of the same office, copyrights are the legal rights that any writer gives the creator of something the right to protect their work. In the current situation in the United States, when material is published after 1978, the copyright law is the logo, and any material that has been published for 70 years after the death of the original owner, the copyright law will apply.

The concept of ownership that is found in the world. A new awareness has been raised for this regarding his products or writing and he has given the same status to writing or other types of content which have been prepared by an individual with intelligence It started to go and it started to be recorded that ” sentence rights are reserved by the author“ or on the creation of the creator this text is listed as “All rights reserved“ which it Grant of ownership refers to copyright if you obtain the right to author your products or materials and then use them when someone else takes permission So you can seek compensation in exchange for this permission, if it does the opposite, you can prevent it from using your products or content and against it Can exercise the right to legal action. (6)

Producers or creators not only give fame and fame to copyright in society, but it also provides economic stability, including products from all types of industries, including audio visuals ,painting, photography, film, drama, TV, music, charity, books, newspapers, magazines, copying maps, translating and broadcasting in any case,Presenting provides legal protection to prevent actions such as reprinting from encouraging the creator. Copyright as a law provides answers to questions about why a person should spend his precious time and capital in various creative works that other people can easily copy without investing time. Islam also says in this context that do not mix goods, goods and other goods for fraud and illegal profiteering. Do not eat each other's wealth in a false way. Nor commit fraud by hiding the defects of the goods offered for sale. Nor hide the bad aspects in their publicity. Do business on the basis of truth and honesty which the Copyright Act provides us with this protection.

The definition of copyright by Corpus Jurors (Corpus Juris) provides guidance to a large extent. It is a broad subject of its kind that is defined by every society has separated according to its environment and system, it is not clearly defined in any society ,it has contradictions so

it is decided by the court. (7) There is no social system without the law. The definition and focus of the law are also that it presents a solution to the new problems arising from social change and the contemporary Balance, truth in society according to the requirements, one of the definitions of the law is that only those people who respect it benefit from it should create construction and welfare and make amendments and additions to them for improvement Do and follow the same approach under the Pakistan Copyright Act in 2000. (8) Under which three years of punishment for committing crimes and the fine amount was increased to one lakh. To freeze import export copies and materials which fall under the category of violation of copyright to the Registrar forbidden to confiscate or take possession, the right to such action was given to a person at the sub-inspector level of the police.

Literature Review

When the British rulers came to the Indian subcontinent, they amended their country's enacted law of copyright in 1911 according to their needs and wrote the right to write in India The law was enacted in 1914 (9) On June 4, 1957, the Indian Copyright Act was enacted, which was amended and presented in the Act enacted by the British Government in 1911(10) That is, for ten years, the country continued to run under the same old law, but now it fulfills the contemporary requirements of the new state that came into existence. According to this law, the prison sentence of six months to three years for violating the copyright and the fine range from fifty thousand to two lakh rupees If he commits it again, his punishment is at least one year to three years in prison with a fine which ranges from one lakh to two lakh Has gone, authoring section 63.The police have the authority to take legal action against the person guilty of violating A without a warrant, but the condition is that the position of the police officer taking action is lower than that of the sub-inspector Shouldn't be. The goods used in the category of copyright infringement, the books, the plates used in the printing of fake books and other related materials were seized and the criminals were presented before the judicial magistrate will be bound to and on occasions working on the incident, the supporting persons can be punished with a fine of 2 years and the court has the authority to decide on this material Hand over to the real owner. Whoever uses them to protect all rights is an impeachable offense and the victim has the right to appeal against the decision of the judicial court in the High Court. (11)

After the partition of Pakistan, no institution was present to implement it practically. The country was deprived of the constitution during the period of nine years from 1947 to 1956(12). The constitution, compiled in 1956, was suspended by a military general in 1958 and once again from 1958 to 1962, the country remained without a constitutional document. In 1962, the nation was given a Field Marshal Ayub Khan's constitution was given. (13) There was no copyright act for about sixteen years of the establishment of Pakistan, but then the government of Pakistan made its copyright law a regular part of the gazette on June 3, 1962 and came into force on February 27, 1962 Action took place. (14) The main points of which were the period of authorship was declared to be the age of the author and after the death of the author to be 50 years. Transparent use of materials in public and private educational institutions, i.e. research purposes, teaching, criticism and repeated review, News reporting,

Copies have been allowed in court proceedings. (15) This law provides a solution for the removal of criminal activities and the elimination of administrative violations regarding creative and artificial rights is "The World Conference on Copyright" was held in Switzerland, which is called the Barron Convention 1908. For this purpose, an international union was formed whose job was to formulate proposals and recommendations regarding the protection of all rights. All members are independent to formulate regulations and reforms (16) If a resident of any country among the member countries of the international copyright in Clause No. 2,4 and 5 formulated in Clause No. 4, then this may take the rights to a country other than its own, whether its work is unpublished or published in any member country. As a citizen of Article No. 5 Union member country, the authors who published their work in one of these countries are from one of these member countries Citizens and they should publish their work in a country that is among the members, even if they are entitled to the rights given to the authors of those countries. In the case of assignment of any work to assign all rights, there shall be no legal concept until it is put into writing and assigned to it not signed by the person or his approved agent. (17)

Copyright Status in Pakistan

Due to the changes in the nature and scope of creative materials due to the development in science and technology, Pakistan Intellectual Property Rights Ordinance was implemented during the Musharraf era keeping in mind the international standards provide protection of creative rights from all aspects. The International Intellectual Property Alliance (IIPA) represents 1300 American companies (18) with a review in 2004 regarding book piracy. According to its statistics, book piracy in the list of 67 countries in the context of this, the United States suffered a loss of 603 million US dollars, while the American book industry is estimated to have a trade deficit regarding the right to write and book piracy in Pakistan Statistics show that 1995, 30million US dollars in 1997, 40 million dollars in 1998, 24 million dollars in 1999, 44 million dollars in 2001 to 2003, 52 million dollars in 2004, which increased in 2005. Reached 55 million dollars in 2006. (19) In the same report, it was stated that the FIA took action against 125 Books skin makers and 322 warehouse during 90 raids on the printing press in the last three years. The Government of Pakistan presented these actions of the Federal Research Institute as evidence and said that it has improved the legal sale of books to some extent. (20)

19 January 2010 "Daily Times" Looking at the report published in the newspaper, it is found that FIA during the raid on Al Hafeez Traders Urdu Bazar Lahore 40 thousand copies count and "New Oxford Modern English" one lakh other pirated books and five lakhs worth of missionaries which were being used for the early making of these books (21) besides "Oxford Progress English" "Kashif Urdu" and "New Oxford Social Studies for Pakistan" also captured a large number of written books. Production Manager Nadeem and his support staff involved in the illegal printing of these books were arrested from the incident. Two days later, the FIA recovered and took custody of 10,000 pirated copies of the English", a book in the Oxford series, in another raid and registered an FIR. (22) Similarly, during a raid in Karachi, copies of a daily newspaper from the city printing press were taken into custody by a large number of

school textbooks and mathematics books against the press owners. A case of violation of copyright has been registered. During the investigation, the police revealed that the two brothers who gave this printing order belonged to the law enforcement agencies (23) even the defenders of the law were guilty of breaking the law. There are authors who do not register their books to avoid tax and copies of it keep circulating in the market according to the original copies, except for taking practical measures except for verbal deposit are not in position. These aspects indicate how serious book piracy is in Pakistan if other types of copyrights such as records and music, business software, entertainment software. Motion picture maps include medicine and other industries to estimate the damage, reflecting a more dire situation. It has been observed that increasing economic pressure on the individual and alternative media cable TV, in view of the trend of book reading in Pakistan due to the Internet and the decrease in the purchasing power of the individual, it should have been remedied that the governments should promote book friendship. Provide subsidy to give. But this was not done, nor was the reading and writing class given respect and respect. One of the reasons why book culture could not be developed in our country is that Pakistan is a country where education is never among the top priorities of the government as a result, the application situation of copyright, which is the guarantor of the economic interests of the producers, creators and authors, is disappointing.

The Competition Commission of Pakistan

Promoting competition and establishing transparency for businesses to enhance economic efficiency and protect consumers from anti-competitive practices. Pakistan Leather International (JKT) has sent an official complaint to the Competition Commission of Pakistan that Pakistani Leather Jacket House is spreading false and misleading information to consumers. Thus, the business interests of JKT are being harmed. JKT alleged that Leather Jacket House is fraudulently using its registered trademarks, trade clothing, and logos in its marketing materials. The commission's inquiry analyzed the products in question and found the JKT complaint to be valid, including logo-bearing leather bags, and the complainant has almost the same packaging. It emerged that the overall impression with minor alterations to the trade dress was a sham to consumers. Stayed. Additionally, the trademark was also used without permission, which made the packaging look like JKT during the hearing, Leather Jacket House admitted to the breach, saying that although it used packaging material similar to JKT's, it has already stopped using old marketing materials. The Commission accepted the commitment of the Pakistani Leather Jacket House to follow its instructions and ordered it to refrain from such conduct in the future. The company was warned that non-compliance with the order meant a fine of PKR 500,000 per day from the date of receipt of the order.

Book Piracy in Pakistan

According to Chapter No. 10 of the Economic Survey of Pakistan 2010 - 2009, 2.1 percent of GDP is fixed for education (24) while according to official data, the education rate is 53.1 percent is being told. Inclusion in the curriculum of foreign books. Science and technology,

medical and other educational books are expensive and non-availability of original editions is becoming the reason for book piracy in Pakistan but they think that this law is not effective.

According to the International Intellectual Property Rights Association, the fine imposed in Pakistan under piracy remained up to 15,000 and no one was sentenced to prison (25) But the situation in America is the opposite, how strictly the copyright law is in force can be estimated from the fines in this case an interesting and famous court case of the fight for the rights of students and publishers regarding copyright is worth mentioning. Students from several colleges and universities in the United States received educational materials from their courses, which consisted of parts of various book chapters and journals, the largest in the United States Photocopy firm "Concose Graphics Corporation" from which students used to buy photocopied material called Course Becket and this content is no less than a valuable treasure for students otherwise, they would have to spend a lot of money to get some parts of the books. Thanks to this facility, students had access to a wide variety of readable materials. In 1980, book publishers strongly realized that the corporation's this process has significantly reduced their sales and a case of copyright against "Concose Graphics Corporation" in the Federal Court headed by a group of publishers "Basic Books Entered". The court while deciding the case, said that this process of concoctions includes its own commercial interest more than the interest of the students and is given to the students. The photocopy and chorus packet are alternative sources of books that are causing damage to its true owner so a ransom of 500,000 dollars to the "Concose Corporation" for violating the copyright asked to pay and strictly prohibited for this business, the "Concose Company" continued this work of photocopy, but legally and its effects on students and Compiled as an increase in the prices of books on readers. (26)

Khalid Mahmood of the Department of Library and Scientific Information University of Punjab Lahore, Department of Library and Scientific Information University of Baluchistan, in relation to book piracy, the statistics presented by Muhammad Ilyas of Quetta are worth studying.

1.The price of books is high and sales are low at	80 percent
2- High profit	30 percent
3.non-provision of original edition of books	29 percent
4.Involvement in the curriculum of foreign books is	28 percent
5. facility of easy and affordable technology to reprint books	24 percent
6-Violation of copyright law due to inappropriate laws	20 percent
7-Complications of legal process and long-term action	20 percent
8.Lack of accountability system to implement copyright laws is	18 percent
9.Difficulties in obtaining copyright from foreign publishers and authors	14 percent
10.Lack of communication between publishers, booksellers and copyright offices	2 percent

Publishers at number one among the three major elements that gain interest from book piracy, bookseller at number two. And third place readers include (27) Royalty free licenses were also issued in Pakistan, on which experts express their concerns that it is a violation of the International Barons Convention Come in the context of. This photocopy business in Pakistan also includes people at the university level who encourage students to do so even about PhD theses The plagiarism report has also been published in newspapers. (28)

A two-day national seminar was organized on March 1995 (29). It was presided over by Federal Minister of Education Khurshid Ali Shah. In which, apart from government officials, foreign experts were also involved, these concerns are expressed by Pakistan in a developing country, if Pakistan is also the World Organization for the International Copyright Act If Intellectual becomes a member of the property organization, consumers will not be able to afford to buy expensive imported books, as a result, the country will be left behind in science and technology. The laws of Pakistan cannot compete with the standards of the Treaty International Convention, so more funds should be provided to further expand the jurisdiction of the National Book Foundation, in addition to pirate printers. The FIR and the police have more powers to strictly implement this law against the people who are doing this business in Warehouse and Pirate Retailer, especially in Urdu Bazar, Lahore and Karachi Should go.

In this regard, experts said in their interview that these copyright laws of Pakistan are very weak, and their implementation is negligible. Editing and tightening are required.

Tariq Afghan is a lawyer at Peshawar High Court and is very active on social media platforms. He told Independent Urdu that the Copyright Act is very old in Pakistan, its last amendment was made in 2000, and it is not in accordance with modern requirements. Tariq Afghan said that 'In today's modern and digital age, there is a lot of violation of copyright laws, but the law in this regard is not clear. Especially by stealing the content of songs and poetry, people publish it under their own name or without permission. 'Tariq Afghan said that offices for 'copyrights laws are in Islamabad and Karachi, and there are no regional offices in this regard,

due to which people's copyright complaints There are also difficulties in entering. He said that there is no awareness among the people regarding this law because no one mentions it. I think there should be specific courts for other issues implementing this law so that these types of cases can be easily faced.

According to Tariq Afghan, magazines in today's social media era, newspapers, and other content are available online, and now the content can be stolen very easily, and its illegal use is very common. For this reason, according to Tariq Afghan, there is a need for amendments in the current copyright laws of Pakistan because there is no mention of social media in the current law. Tariq Afghan also said regarding the violations of copyright laws in the field of education that 'nowadays theft has become very common in the field of research in Pakistan and no A person also goes and picks up someone's research and writes his name on it. He said that "copyrights laws should also include provisions of pluralism in the field of education so that no one steals the years of hard work of any person and puts his name on it".

Asad Baig heads a non-governmental organization called Media Matters for Democracy, which works on digital rights. He told Independent Urdu that non-compliance with copyright laws is not new, as we have grown up in the same culture since childhood. Asad Baig said that "since childhood we have seen that we are at home, school, illegally using Windows in educational institutions and offices, which is very normal for us, but apparently it is a violation of copyright laws". He said: "The reason for this is the poverty in Pakistan. There is content that we want to see, but it is far from the reach of the people, and the way I talked about Windows. So, the Windows license is not for everyone. However, in the digital world, if we talk about copyrights", according to Asad Baig "the copyright laws of all digital platforms are very strict, even for violations of copyrights. They also close and ban content creator's channels". Asad Baig said that "the copyright laws already exist in Pakistan. There must be amendments to it, but restrictions are imposed in the name of improving any law in Pakistan. There should be amendments to the laws and no further restrictions in the name of copyrights". He said that "for example, Hollywood movies in Pakistan are illegally downloaded from torrents, and the reason for this is that here Hollywood If movies are not available, people are forced to download them illegally". Asad said that "now it should not be that torrent is closed in Pakistan rather, the government should take measures that will benefit the people and implement the law. Regarding public awareness". Asad Baig said that "there is a great need for public awareness regarding copyrights".

Karan Khan is a well-known singer who mainly sings in Pashto, but he has also sung some songs in Urdu. He is one of the educated singers belonging to Pashto talent. He has completed his PhD in Pashto music from the Pashto Department of Peshawar University. He said that "another genre whose violations are very common is music. Violation of music rights made in Pakistan is very common on the part of its neighboring country. Many songs are released every month as "Cover Song" for which permission is not considered valid. They are worried about the lack of copyright laws in Pakistan and the non-implementation of existing laws". I think they say first, terrorism is done by bombing, but I call it digital terrorism, where

you steal someone's hard work illegally and do it wrong. Use even if you belong to an educated class.

There is also a common misconception that 30 percent of work changes make you exempt from the "Copyright Act". For example, there is an article of eight hundred words, out of which you change every tenth or eighth word and complete a quota of 30 percent, but still the sentence structure remains the same, which falls under the category of "substantially uniform". It is considered a violation of rights so the 30 percent rule is actually not a rule.

Conclusion

The Copyright Act, which guarantees the economic interests of writers in the Islamic Republic of Pakistan, is a serious problem. The application situation of copyrights is disappointing. In the context of producer services, creators and authors and book piracy, the Copyright Act is reflecting the dire situation of the Islamic Republic of Pakistan. Registered companies, product servers, creators, authors and users are not protected from this type of fraud. The main reason for this is the cheap incompetence of law enforcement agencies, not including education in government priorities, low education budget and low proportion of literacy, Lack of interest in books and lack of purchasing power due to economic problems and resources are included.

Recommendations

Due to increasing economic pressure on the individual and alternative media i.e. cable TV, internet, the trend of book reading in Pakistan and the purchasing power of the individual has decreased. The producer in collaboration with consumers and the administration of the Islamic Republic of Pakistan, research cells should be established to analyze elements that are violating the "Copyright Act" or they are causing the users to commit fraud. This cell will give them suggestions and advice on how to ensure the protection of consumer rights by making the "Copyright Act" effective and effective in the society can go. For the promotion of book culture, the Ministry of Education should ensure that the illegal system of counterfeit goods or photocopying will no longer be tolerated and thus in all educational institutions The books that will be used will be in accordance with the requirements of the law, in addition, in collaboration with foreign publishers, printing presses should be encouraged in Pakistan so that less Books can be available at prices and apart from this, availability of books at low cost through educational institutions, universities, professional colleges should be made possible. Due to the lack of subsidy for the promotion of book friendship in the government of Pakistan, even book culture is not developing in our country due to the lack of respect for the reading and writing class in view of this situation, it must be remedied. In the "Copyright Act", the Director of Copyright has the powers of a Judicial Magistrate. FIA and police should take the director of copyright into confidence before taking action against those who commit the crime. But the black sheep in these institutions use this law for personal interest instead of

national interest. The staff is not equipped with low and modern facilities to deal with applications in copyright offices. It is a bail able crime all over the world, but it has been declared a non-bail able crime in Pakistan. The parties also use it against each other on the basis of personal and business grudges which must be remedied. There is an urgent need to provide more resources to legislate and improve its applied situation on a priority basis.

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