

Intellectual Property - Pakistan

In focus: copyright legislation and infringement

Contributed by [Vellani & Vellani](#)

December 16 2013

[Introduction](#)
[Copyright infringement remedies](#)
[IPO Pakistan](#)

Introduction

The Copyright Ordinance 1962 and corresponding Copyright Rules 1967 are in place to extend protection to various copyright works in Pakistan. Since its inception, the ordinance has been amended periodically to conform to international agreements and conventions in line with the requirements of the Agreement on Trade-Related Aspects of Intellectual Property Rights. Pakistan is also a member of the Berne Copyright Union and the Universal Copyright Convention.

In accordance with International Copyright Order 1968 (issued under Section 54 of the Copyright Ordinance), all provisions of the ordinance that are explicitly applicable to Pakistani works also apply to any work first published in a member country of either of the above-mentioned conventions, as if the work were first published in Pakistan. Therefore, copyright subsisting in any work in any member country is protected in Pakistan under the ordinance.

The ordinance was initially amended by the Copyright (Amendment) Act 1992 and later by the Copyright (Amendment) Ordinance 2000, adding more provisions to increase controls and restrictions and facilitate the control of infringement, including counterfeiting and piracy. Relevant corresponding provisions were also incorporated in the Customs Act 1969, the Drugs Act 1976, the Federal Investigation Act 1974 and the Penal Code to ensure better protection of IP rights and enforcement of IP laws.

Section 3 of the Copyright Ordinance specifies the types of work in which the author or owner has exclusive rights to publish, record, perform, copy, reproduce, broadcast or otherwise display the copyrighted work. Copyright protection was originally available for original literary, dramatic, musical, artistic (including drawings, maps and photographs) and cinematographic works and records. However, 'literary work' now covers computer software and programs as well. The dynamic nature of the ordinance has facilitated many working in creative fields to secure the rights to their works.

Copyright infringement remedies

Copyright infringement is actionable under the Copyright Ordinance and gives rise to civil as well as criminal remedies. Civil remedies include:

- injunctions;
- damages;
- accounts;
- delivery of infringing copies; and
- damages for conversion.

Criminal remedies entail:

- imprisonment, a fine or both;
- seizure of infringing copies; and
- delivery of infringing copies to the copyright owner.

In addition to prohibiting the import of infringing copies, the ordinance now also prohibits the export of infringing copies out of Pakistan.

Subsequently inserted Section 60-A of the ordinance provides certain special remedies

Authors

[Seema S Mansoor](#)



[Nida Rais](#)



for copyright infringement, by which a copyright owner showing sufficient cause (before instituting the regular civil proceeding) can apply to the court for both immediate provisional orders to prevent infringement and preservation of any evidence relating to such infringement. However, such interim orders will cease to have effect if the regular civil proceedings are not instituted within 30 days. Further, if such regular proceedings have been filed by the copyright owner, the provisional proceedings will merge with the regular proceedings.

In addition, Section 71 of the ordinance expressly provides that with regard to offences committed by companies, every person who was in charge of and responsible for the conduct of company business – as well as the company itself – will be deemed guilty of the offence, and accordingly subject to penalties. However, any person who proves that the offence was committed without his or her knowledge, or that he or she exercised due diligence to prevent the offence, will not be held liable for the offence.

Administrative remedies are also available, including moving the registrar of copyrights to ban the import and export of infringing copies in Pakistan. The ordinance provides that the copyright registrar may, on application of the copyright owner, make an order restricting the import or export of infringing items pursuant to the prohibitions under the Customs Act.

IPO Pakistan

In 2005 the government established the Intellectual Property Organisation (IPO) of Pakistan to bring all of Pakistan's IP departments – the Trademarks Registry, the Copyright Office and the Patent Office – together under one umbrella to facilitate more effective and integrated management and promotion of all forms of intellectual property. IPO Pakistan is responsible for reforming, restructuring and reorganising the management of IP rights and creating effective links with the public enforcement authorities for the detection and (in liaison with local agencies) prosecution of IP infringement, counterfeiting and piracy. IPO Pakistan is now regulated by the Intellectual Property Act 2012.

IPO Pakistan has adopted a gradual and selective approach based on the principle of special and differential treatment advocated by the World Trade Organisation. It continues to make efforts to increase public awareness of issues relating to IP rights, including trademark and copyright infringement, counterfeiting and piracy.

For further information on this topic please contact [Seema Mansoor](#) or [Nida Rais](#) at Vellani & Vellani by telephone (+92 21 3580 1000), fax (+92 21 3580 2120) or email (seema.mansoor@vellani.com or nida.rais@vellani.com). The Vellani & Vellani website can be accessed at www.vellani.com.

The materials contained on this website are for general information purposes only and are subject to the [disclaimer](#).

ILO is a premium online legal update service for major companies and law firms worldwide. In-house corporate counsel and other users of legal services, as well as law firm partners, qualify for a free subscription. Register at www.iloinfo.com.

Online Media Partners

