

Intellectual Property
for Business Series

No. 4

Creative Expression

An introduction to
Copyright and Related
Rights for Small and
Medium-sized Enterprises
in Pakistan



Publications in the “Intellectual Property for Business” Series:

1. Making A Mark - An introduction to Trademarks for Small and Medium-sized Enterprises.
2. Looking Good – An introduction to Industrial Designs for Small and Medium-sized Enterprises.
3. Inventing the Future - An introduction to Patents for Small and Medium-sized Enterprises.
4. Creative Expression - An introduction to Copyright and Related Rights for Small and Medium-sized Enterprises.

The adapted versions of the above mentioned publications are available at the WIPO (WIPO e-bookshop at www.wipo.int/ebookshop) and SMEDA website; (SMEDA publications at www.smeda.org.pk).

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Preface

Preface

'Intellectual Property' till recently has been considered a luxury by the industry in general and SMEs in particular. In fact, it is a major avenue for SMEs to establish their credentials at par with the large enterprises. Every business has some valuable intangible property worth protecting. Therefore, keeping SMEs abreast of the latest information on Intellectual Property Rights (IPRs) systems and enabling them to protect their IP assets is the need of the hour as ignorance may lead to loss of valuable rights or expensive litigation or both.

This customized version of 'Creative Expression' will enable SMEs in Pakistan to understand the kind of work protected under the provisions of Copyright and related rights, the ownership procedure and benefits, system for protection and prevention of violation of these rights in Pakistan and abroad. These points are illustrated with the help of mostly original examples of the works of Pakistani creators.

The main beneficiaries of this booklet would be SMEs engaged in printing, publishing, music and audiovisual creations (film, television and radio), architectural work any drawing/map, chart or plan, photography, sculpture, sound recordings, advertising, communication and marketing, crafts, visual and performing arts, design and fashion, and broadcasting. It also throws light on the effective copyright protection extended to SMEs dealing in production/development of software, multimedia, digital content driven industries including work available on the internet. The purpose is to enable SMEs to seize the opportunity of copyright protection rather than deferring the decision to adopt IP system on the assumption that IP protection is costly and time consuming or enforcement of the laws are ineffective.

In compilation of this booklet, efforts of SMEDA team comprising Mr. Muhammad Jamil Afaqi, Ms. Aisha Amjad Mir and Mr. Shaheen Tahir have been commendable.

I hope SMEs will benefit from this joint effort on the part of World Intellectual Property Organisation (WIPO) and Small and Medium Enterprises Development Authority (SMEDA), for seeking protection and drawing maximum economic gains through the appropriate commercialization of their original creative work.

Shahid Rashid
CEO, SMEDA

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Copyright and Related Rights

1 Copyright and Related Rights

What is Copyright?

In Pakistan copyrights are regulated by the law called the Copyright Ordinance, 1962 (as amended in 2000), (the Ordinance), and the Copyright Rules, 1967 (as amended in 2000), (the Rules). As per the Ordinance, Copyright means;

'the exclusive rights of authors, composers, computer programmers, website designers and other creators for their literary, artistic, dramatic and other types of creations, which are usually referred to as works'.

Copyright law protects a wide variety of original works, such as books, magazines, newspapers, music, paintings, photographs, sculptures, architecture, films, computer programs, video games and original databases (for more details, see page 6).

The Ordinance gives an author or creator of a work a diverse range of exclusive rights over his/her work for a certain period of time. These rights enable the author to control the economic use of his work in a number of ways and to receive payments. Copyright law also provides "Author's special rights," which protect an author's honor and reputation. These rights are commonly known as "moral rights".

Copyright and Business

SMEs mostly are unaware of the fact that, by default, some aspects of their business are protected by copyright. Examples include: computer programs or software; content on websites; product catalogues; newsletters; instruction sheets or operating manuals for machines or consumer products; user, repair or maintenance manuals for various types of equipment; artwork and text on product literature, labels or packaging; marketing and advertising materials on paper, billboards, websites, and so on.

What are related rights?

"Related rights" refer to the category of rights granted to performers, phonogram producers and broadcasters. In Pakistan, special provisions are spelled out in the Copyright Ordinance, 1962 with reference to the related rights protection. However, in some countries, such as the United States of America and the United Kingdom, these rights are simply incorporated under copyright. Other countries, such as Germany and France, protect these rights under a separate category called "neighbouring rights." In Pakistan, related rights are protected under the Copyright Ordinance, 1962.

There are three kinds of "related rights":

- Rights of performers (e.g., actors, musicians) in their performances. These

Copyright and Related Rights

include a live performance of a pre-existing artistic, dramatic or musical work, or a live recitation or reading of a pre-existing literary work. The work performed need not be previously fixed in any medium or form, and may be in the public domain and protected by copyright. The performance may also be an improvised one, whether original or based on a pre-existing work.

- ii. Rights of producers of sound recordings (or “phonograms”) in their recordings (e.g., compact discs); and
- iii. Rights of broadcasting organizations in their radio and television programs transmitted over the air.



Example: In the case of the song “Kinay kinay jana aey bilo day ghar” a very popular song of singer Mr. Abrar-ul-Haq, copyright protects the music of the composer and the words of the author (lyricist and/or writer).

Related rights would apply to the:

- i. Performances of the musicians and singers who perform the song; (Mr. Abrar-ul-Haq in this case)

- ii. Sound recording of the producer in which the song is included; and the
- iii. Broadcast program of the organization that produces and broadcasts the program containing the song.

How are copyright and related rights relevant to your business?

Copyright protects the literary, artistic, dramatic or other creative elements of a product or service, whereby the copyright holder can prevent those original elements from being used by others. Copyright and related rights enable a business to:

Control commercial exploitation of original works: Such as books, music, films, computer programs, original databases, advertisements, content on websites, video games, sound recordings, radio and television programs or any other creative works. Works protected by copyright and related rights may not be copied or exploited commercially by others without prior permission of the rights owner. Such exclusivity over the use of copyright and related rights protected works helps a business to gain and maintain a sustainable competitive edge in the market place.

Generate income: Just like the owner of a property, the owner of copyright or related rights in a work may use it, give it away by way of sale, gift or inheritance. There are different ways to commercialize copyright and related rights. One possibility is to make and sell multiple copies of a work protected by copyright or related rights (e.g., prints of a photograph); another is to sell (assign) your copyright to another person or

Copyright and Related Rights

company. Finally, a third – often preferable – option is to license, that is, permit another person or company to use your copyright-protected-work in exchange for payment, on mutually agreed terms and conditions.

Raise funds: Companies that own copyright and related rights assets (e.g., a portfolio of distribution rights to a number of movies/films) may be able to borrow money from a financial institution by using such rights as collateral by letting investors and lenders take a “security interest” in them.

Take action against infringers: Copyright law enables right holders to take legal action against anyone encroaching on the exclusive rights of the copyright holder (called infringers in legal jargon) for obtaining monetary relief, destruction of infringing works, and recovery of attorney’s fees. Under the Copyright Ordinance, even criminal penalties may be imposed on willful copyright violators. These penalties include imprisonment which may extend to three years or fine which may extend to one hundred thousand rupees or both.

Use works owned by others: Using works based on the copyright and related rights owned by others for commercial purposes may enhance the value or efficiency of your business, including enhancing its brand value. For example, playing music in a restaurant, bar, retail shop, or airlines, adds value to the experience of a customer while using a service or while visiting a business outlet. For using music in this manner, prior permission of the copyright and related rights owners must be obtained by means of a license to use the music for a specified

purpose. Understanding copyright and related rights laws will enable you to know when authorization is required and how to go about obtaining it. Obtaining a license from the copyright and/or related rights owners to use a work for a specific purpose is often the best way to avoid disputes that may otherwise result in potentially time consuming, uncertain, and expensive litigation.



How are copyright and related rights obtained?

Pakistan is a member of the “Berne Convention for the Protection of Literary and Artistic Works”, 1886. According to the Berne Convention, literary and artistic works are protected without any formalities in the countries party to that Convention. Therefore, in Pakistan, copyrights are obtained automatically without registration or other formalities. The rights under copyright law arise as soon as the author creates the work in any tangible medium. The Copyright Ordinance does not require mandatory registration of copyright but registration, among other things, acts as an apparent proof that the work has been created by the person who has registered it and is therefore highly recommended.

The author or publisher of or the owner of, or any other person interested in the copyright of any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar of Copyrights for entering

Copyright and Related Rights

particulars of the work in Register of Copyrights.

Are there other legal means for protecting your original creations?

Depending on the nature of your creation, you may also be able to use one or more of the following types of intellectual property rights to protect your business interests:

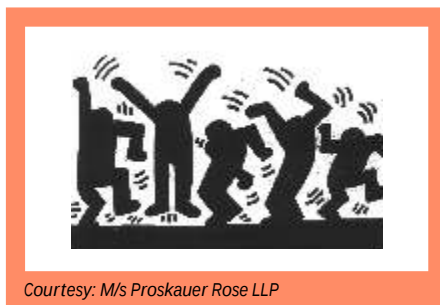
Trademarks. A trademark provides exclusivity over a sign (such as a word, logo, color or combination of these) which helps to distinguish the products of a business from those of others. For further information on trademarks, you may visit the Intellectual Property Organization (IPO) Pakistan website (www.ipo.gov.pk) which gives information pertaining to trademark registration in Pakistan. You may also visit the SMEDA website (www.smeda.org.pk) for further information on trademarks.

Industrial designs. Exclusivity over the ornamental or aesthetic features of a product may be obtained through the protection of industrial designs. For further information on industrial designs you may visit the Intellectual Property Organization Pakistan (www.ipo.gov.pk) and the SMEDA websites (www.smeda.org.pk).

Patents. Patents may protect inventions that meet the criteria of novelty, an inventive step and industrial applicability. For further information on patents you may visit the Intellectual Property Organization Pakistan (www.ipo.gov.pk) and SMEDA websites (www.smeda.org.pk).

Confidential business information of commercial value may be protected as a trade secret, as long as reasonable steps are taken by its owner to keep the information confidential or secret. Remedy against infringement of trade secrets can be availed under the Trade Marks Ordinance, 2001. For further information on confidential business information and trademarks you may visit the Intellectual Property Organization Pakistan (www.ipo.gov.pk) and SMEDA websites (www.smeda.org.pk).

Unfair competition. Unfair competition is dealt under the Trade Marks Ordinance, 2001. It allows you to take action against unfair business behavior of competitors. Protection under unfair competition grants some additional protection against copying of different aspects of products beyond what is possible through the various types of intellectual property rights. For further information on unfair competition and trademarks you may visit the Intellectual Property Organization Pakistan (www.ipo.gov.pk) and SMEDA websites (www.smeda.org.pk).



Courtesy: M/s Proskauer Rose LLP

Scope and Duration of Protection

2 Scope and Duration of Protection

What categories or type of works are protected by copyright?

The categories or types of works protected in Pakistan include the following:

Σ Literary work: which includes works on humanity, religion, social and physical sciences, tables, compilations and computer programs, that is to say programs recorded on any disc, tape, perforated media or other information, storage device, which, if fed into or located in a computer or computer-based equipment is capable of reproducing any information;

Σ Musical work: which means any combination of melody and harmony or either of them, printed, reduced to writing or otherwise graphically produced or reproduced;

Σ Dramatic work: which includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematographic work;

Σ Artistic works: means a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possess artistic quality; an architectural work of art; and any other work of artistic

craftsmanship;

Σ Cinematographic work: which means any sequence of visual images including video films of every kind, recorded on material of any description, whether silent or accompanied by sound, which, if shown (played back, exhibited) conveys the sensation of motion;



Σ Record: which means any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom. Record does not include a sound track associated with a cinematographic work.

Scope and Duration of Protection

Protection of Computer Programs and Software

From a digital point of view, there is absolutely no distinction between text, sounds, graphics, photographs, music, animations, videos and software. But one vital difference separates computer programs from all the rest. While text, sounds, graphics, etc. are generally passive in nature, programs, by contrast, are essentially active. Therefore, there is much debate about the suitability of copyright law for protection of computer programs. In practice, there are many ways to protect different elements of a computer program:

Copyright protects an author's original expression in a computer program as 'literary work.' Source code can thus be viewed as a human-readable literary work, which expresses the ideas of the software engineers who authored it. Not only the human-readable instructions (source code) but also binary machine-readable instructions (object code) are considered to be literary works or 'written expressions,' and, therefore, are also protected by copyright. However, the economic value of copyrighted object code is completely derived from the functional ends facilitated by the software. The object code is what makes the computer function that is what is distributed to the public in the form of retail software. The packaged software market exhibits lead-time effects. This means that producers have a window of time during which they can gain an advantage on competitors. Copyright law extends natural

lead-time effects during the legal term of protection by giving authors exclusive rights to produce derivative works.

In some countries, functional elements of (that is, inventions relating to) computer programs may be protected by patents. However, in Pakistan computer software may not be patentable, since there is no specific provision available in this regard in the law governing registration of patents.

It is common commercial practice to keep the source code of computer programs as a trade secret in addition to copyright protection.

Certain features created by computer programs, such as icons on a computer screen, may be protected, in some countries, as industrial designs. Icons on a computer screen may be protected in Pakistan. However neither such an example so far exists in this regard nor has this issue has yet been taken up by the courts in Pakistan.

An agreement governed by contract law remains a central form of legal protection, complementing or possibly even substituting for intellectual property rights. Often, such additional protection through a contract/license agreement is labeled as 'super-copyright.' No wonder, such additional protection often attracts negative attention as it may be considered a misuse of dominant position.

In recent years, many countries are increasingly using criminal law for regulating access to information

Scope and Duration of Protection

technologies, including software. In Pakistan too, a new law i.e., Prevention of Electronic Crimes Ordinance, 2007, has been enacted which deals with this subject.

Beyond legal protection, a new facet in protecting software is provided by technology itself; for example, through lockout programs and use of encryption methods. Thus, technology allows clever producers to craft their own extra-legal protection. For example, a video game manufacturer might rely on lockout technology and/or copyright law to protect its object code.

At the same time, it must be noted that some aspects of software simply cannot be copyrighted. Methods of operation (e.g., menu commands) are generally not copyrightable, unless they contain highly individual or artistic elements. Likewise, a Graphical User Interface (GUI) is not copyrightable, unless it contains some truly expressive elements.

Protecting expressive elements of computer software through copyright:



- Σ Does not require registration;
- Σ Is, therefore, inexpensive to obtain;
- Σ Lasts a long time;
- Σ Grants limited protection, as it only covers the particular way the ideas, systems, and processes embodied in software are expressed in a given program;
- Σ Does not protect an idea, system, or the process itself. In other words, copyright protects against the unauthorized copying or use of a source code, object code, executable program, interface, and user's instruction manuals, but not the underlying functions, ideas, procedures, processes, algorithms, methods of operation or logic used in software. These may sometimes be protected by patents, or by keeping the program as a trade secret.

Whether one considers legal or technological measures, today's landscape affords software producers unprecedented protection over their products provided they care to understand and use it as a part of their business strategy. There is an accompanying challenge too. A perfect copy of a digital work can be made and sent anywhere in the world with a few mouse-clicks or keystrokes on a personal computer and an Internet account. It is important to note that, with today's large, complex computer programs, most copyright infringement consists of the word for word copying or unauthorized distribution of a

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computer program. In most cases, the question as to whether any similarities are due to expression (protected by copyright) or function (not protected by copyright) does not need to be considered.

Protection of Databases

A database is a collection of information that has been systematically organized for easy access and analysis. It may be in paper or electronic form. Copyright law is the primary means to legally protect databases. However, not all databases are protected by copyright, and even those that are may enjoy very limited protection.

In Pakistan copyright only protects a database if it is selected, coordinated, or arranged in such a way that it is sufficiently original. However, exhaustive databases and databases in which the data is arranged according to basic rules (e.g., alphabetically, as in a phone directory) may not be protected under copyright law.

When a database is protected by copyright, this protection extends only to the manner of selection and presentation of the database and not to its contents.

What criteria must a work meet to qualify for protection?

Σ Work must be original

To qualify for copyright protection, a work must be original. An original work is one that 'originates' in its expression from the author, that is, the work was independently

created and was not copied from the work of another or from materials in the public domain. Originality relates to the form of expression and not to the underlying idea.

Under the Copyright law the original requirement is limited to literary, dramatic, musical and artistic works only. For protection of cinematographic work and records the condition of originality does not apply. However, following conditions must be kept in mind while obtaining or asserting protection of copyright in cinematographic work and records:

1. Copyright will not subsist in any cinematographic work, if a substantial part of the work is an infringement of the copyright in any other work; and
2. Copyright will not subsist in any record made in respect of a literary, dramatic or musical work, if, in making the record, copyright in such work has been infringed.

Creating an original work involves labor, skill, time, ingenuity, selection or mental effort. Even so, a work enjoys copyright protection irrespective of its creative elements, quality or value, and does not need to have any literary or artistic merit.

Copyright also applies to, for example, packaging labels, recipes, purely technical guides, instruction manuals, or engineering drawings as well as to the drawings of, say, a three-year-old child.



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Σ Work must be in a fixed form

The work should be fixed in some material form. Fixation includes, for example, that a work is written on paper, stored on a disk, painted on canvas or recorded on tape. Therefore, choreographic works or improvised speeches or music performances that have not been notated or recorded, are not protected. Fixation normally does not include transient reproductions such as those projected briefly on a screen, shown electronically on a TV or a similar device, or captured momentarily in the 'memory' of a computer. A work may be fixed by the author or under the authority of the



author. Transmission of a work containing sounds or images is deemed 'fixed' if a fixation of the work is made simultaneously with the transmission. Such a work may be fixed in two types of material objects: phonograms or copies. Copies may be physical (in print or non-print medium such as a computer chip) or digital (computer programs and database compilations). Copyright protects both published and unpublished works.

What aspects of a work are not protected by copyright?

Σ Ideas or concepts. Copyright law only protects the way ideas or concepts are expressed in a particular work. It does not protect the underlying idea, concept, discovery, method of operation, principle, procedure, process, or system, regardless of the form in which it is described or

embodied in a work. While a concept or method of operation is not subject to copyright, written instructions or sketches explaining or illustrating the concept or method are protected by copyright. Example: Your company has copyright over an instruction manual that describes a system for using a machine. The copyright in the manual will allow you to prevent others from copying the way you wrote the manual, and the phrases and illustrations that you have used. However, it will not give you any right to prevent competitors from (a) using the machinery, processes, and merchandising methods described in the manual; or (b) writing another manual for using said machinery.

Σ Facts or information. Copyright does not protect facts or information – whether scientific, historical, biographical or news – but only the manner in which such facts or information are/is expressed, selected or arranged (see also box on protection of databases). Example: A biography includes many facts about a person's life. The author may have spent considerable time and effort discovering things that were previously unknown. Still, others are free to use such facts as long as they do not copy the particular manner in which the facts are expressed. Similarly, one can use the information in a recipe to cook a dish but not make copies of the recipe without permission.

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- Σ Names, titles, slogans and other short phrases are allowed protection if they are highly creative. The name of a product or an advertising slogan not protectable by Copyright may be protected under Trademark law. A logo, on the contrary, may be protected under Copyright as well as by Trademark law, if the respective requirements for such protection are met.
- Σ Industrial designs. In Pakistan copyright will not subsist in any design which is registered under the design law. In this regard, you must keep in mind that copyright in a design which could be registered under design law, but which has not been so registered, shall cease as soon as any article to which the said design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright.

Industrial Designs – Overlap between Copyright and Design Rights
Industrial designs are artistic works used for industrial purposes by being incorporated in everyday products. Typical examples are jewelry, lamps, and furniture. Industrial designs have a double nature: they may be regarded as artistic works; however, their exploitation and use do not take place in the specific cultural markets but rather in the market of general purpose products. This places them on the

borderline between copyright and industrial design protection. Understanding the possible overlap between industrial designs and copyright protection, the Copyrights Ordinance has specifically dealt with the situation. According to the Ordinance, as stated above, copyright will not subsist in any design which is registered under the design law. However, copyright in a design which could be registered under design law, but which has not been so registered, shall cease as soon as any article to which the said design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright. This means that dual protection to a design i.e. both under the design law as well as copyright law is not available in Pakistan. Therefore, it is advisable to consult an intellectual property expert to be sure of the type of protection available and best suitable to borderline cases. In this regard, it must be kept in mind that protection given to certain aspects of industrial design may vary from country to country.

What rights does copyright protection provide?
Copyright provides two sets or bundles of rights. Economic rights protect the author's or owner's economic interests in possible commercial gain. Moral rights protect an author's creative integrity and reputation as expressed through the work.

Scope and Duration of Protection

What are economic rights?

Economic rights give the owner/holder of copyright the exclusive right to authorize or prohibit certain uses of a work. "Exclusive right" means no one may exercise these rights without a copyright owner's prior permission. The scope of these rights, and their limitations and exceptions, differ depending on the type of work concerned. The economic rights are more than simply a "right to copy"; the emphasis is not solely on this right, but on several different rights to prevent others from unfairly taking advantage of the creative work of the original owner of the copyright. Generally, the economic rights include the exclusive rights to:

- Σ Reproduce a work in copies in various forms. For example, copying a CD, photocopying a book, downloading a computer program, digitizing a photo and storing it on a hard disk, scanning a text, printing a cartoon character on a T-shirt, or incorporating a portion of a song into a new song. This is one of the most important rights granted by copyright.
- Σ Distribute copies of a work to the public. In Pakistan copyright allows its owner to prohibit others from selling, leasing or licensing unauthorized copies of the work. But there is an important exception: In most countries, the right of distribution comes to an end on the first sale or transfer of ownership of a particular copy. In other words, a copyright owner can control only the "first sale" of a copy of a work, including its timing and

other terms and conditions. But, once a particular copy is sold, the copyright owner has no say over how that copy is further distributed in the territory of the relevant country(ies). The buyer can resell the copy, or give it away, but cannot make any copies or prepare derivative works (see below) based on it.

- Σ Make translations or adaptations of a work. Such works are also called derivative works, which are new works that are based on a protected work. For example, translating an instruction manual in English into other languages, turning a novel into a film (motion picture), rewriting a computer program in a different computer language, making different musical arrangements, or making a toy based on a cartoon figure.
- Σ Publicly perform and communicate a work to the public. These include the exclusive rights to communicate the work by means of public performance, recitation, broadcasting or communication by radio, cable, satellite, or television (TV) or transmission by Internet. A work is performed in public when it is performed in a place that is open to the public or where more than just the closest family and friends are present. The performance right is limited to literary, musical and audiovisual works, while the communication right includes all categories of works.

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- Σ Make works available on the Internet for on-demand access by the public so that a person may access the work from a place and at a time individually chosen by him/her. It covers in particular on-demand, interactive communication through the Internet.

Any person or company wishing to use protected works for any of the purposes listed above must normally obtain prior authorization from the copyright owner(s).

What are Moral or Special Rights?

Most countries recognize moral rights, but the scope of these rights varies widely. In Pakistan these are termed as author's special rights. These rights include:

- Σ The right to claim authorship of the work; and
- Σ The right to restrain, or claim damages in respect of any distortion, mutilation or other modification of the author's work, or any other action in relation to his work which may damage his honor or reputation.

Unlike economic rights, moral rights cannot be transferred to someone else, as they are personal to the creator (but they may pass on to the creator's heirs). Even when the economic rights in a work are sold to someone else or have been relinquished, the special rights in the work remain with the creator.

What rights do "related rights" provide?

1. Rights of performers (e.g., actors, musicians) in their performances.

Under section 24A of the Copyrights Ordinance, the performers have right to do or to prevent fixing (recording) in any medium or form their unfixed performance and reproduction of such fixation. In addition, the performers can also prevent others from broadcasting by wireless means and communication to the public of their live performance. However, these rights shall be available for fifty years starting from the end of the calendar year in which the performance or its recording was made.



Courtesy: Rafi Peer Theatre Workshop
Play Cast: *Blind Men* (Khurram Butt, Umar Bhatti, Saim Sulehri); *Vendor* (Khurram Khan); *Women* (Inza, Riffat Awan).

Example:

Title of the Play: "Akhiyan Walio"

Akhiyan Waleo is a very popular Urdu play by 'Rafi Peer Theatre Workshop (RPTW)', successfully played in different countries including India under the copyrights of RPTW. Each time the cast of the play remained the same to protect the performers right and maintain the essence of the play. The play makes a comment on how greed and self interest blinds all and eventually makes us victims of our own doings. Akhiyan Waleo is a play written by William Pervaiz and directed by Imran Peerzada.

Scope and Duration of Protection

2. Rights of producers of sound recordings (or "phonograms") in their recordings (e.g., compact discs). Under section 24A of the Copyright Ordinance the producers of Phonograms have the right to do or to authorize reproduction of their recordings in the form of recordings or cinema autographic works. Similarly the producers of sound recording have the right to prohibit the direct or the indirect reproduction of their recording. In addition, the producers of sound recordings can authorize others, on payment or other consideration to use their recording for a limited purpose.

However, these rights shall be available for fifty years starting from the end of the calendar year in which the recording was made.

3. Rights of broadcasting organizations in their radio and television programs. Under section 24 of the Copyright Ordinance, broadcasting organizations enjoy the right to authorize:-

- (a) the rebroadcasting of their broadcasts;
- (b) the fixation (recording) of their broadcasts; and
- (c) the copying of fixations made of their broadcasts.

Please note that the above mentioned rights remain valid for twenty five years from the beginning of the calendar year next

following the year in which the broadcast took place.

It is important to note that the rights conferred upon broadcasting organizations do not affect the copyright in any literary, dramatic, musical, artistic or cinematographic work, or in any record used in the broadcast.

Compulsory Licence:

The owner of the copyright in the work cannot refuse republishing, performance in public or communication to the public by broadcast of a work where owing to such refusal the work is withheld from the public, while it is in the interest of public that such work may be republished, performed or communicated to public. In such case the Copyright Board, constituted under the Copyright Ordinance, may on an application of a person direct the Registrar to grant to the applicant a license to republish the work, perform the work in public or communicate the work to the public by radio-diffusion, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Board may determine. This is generally called compulsory license.

As regards producing and streaming of content on-line, it is advisable to consult a copyright expert as this is a rapidly evolving area of law.

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Rights of Record Manufacturers

In many countries, record manufacturers cannot prohibit broadcasting of their records, but only have the right to receive a royalty from the broadcasters. In Pakistan, as stated above, the owner of the copyright in the work cannot refuse communication to the public by broadcast of a work recorded in a record. Where the producer of record has refused to allow communication to the public by broadcast of the work recorded in such record and owing to such refusal the work is withheld from the public. In such case, the Copyright Board may on application of a person direct the Registrar to grant to the applicant a license to communicate the work to the public by radio-diffusion, subject to payment of such compensation and subject to such other terms and conditions as the Board may determine.



Copyright and Related Rights for Music

A business may use music for various reasons to attract customers, create a positive effect on customer behavior, or for the benefit of its employees. This may help the business to obtain a competitive edge over its competitors, provide a better working environment for its employees, help establish a core of faithful customers, and even enhance people's perception of its

brand or the company as a whole.

The licensed public performance or use of music is paid for by major television networks, local television and radio stations, cable and satellite networks and systems, public broadcasters, internet web sites, colleges and universities, night clubs, restaurants, background music services, fitness and health clubs, hotels, trade shows, concert presenters, shopping centers, amusement parks, airlines, and music users in a wide variety of other industries, including the telephone industry (ring tones).

Copyright and related rights protection for music often involves layers of rights and a range of rights owners/administrators, including lyricists, composers, publishers of the scores, record companies, broadcasters, website owners, and copyright collecting societies.

If the music and lyrics are composed by two different people, then the law treats the song as consisting of two works – a musical work and a literary work. However, in most cases a license can be obtained from performing rights societies also called collective management organization for the broadcasting of the entire song.



Scope and Duration of Protection

The music publishing rights include the right to record, the right to perform, the right to duplicate, and the right to include the work in a new or different work, sometimes called a derivative work. To facilitate commercial exploitation, most songwriters generally prefer to transfer the publishing rights to an entity identified as 'the publisher,' pursuant to a music publishing agreement, that assigns the copyright or the right to administer the copyright to the publisher.

Among the many types of rights tied to works of music are performance rights, print rights, mechanical rights, and synchronization rights. These are briefly explained below:



The public performance right is generally the most lucrative source of income for songwriters. This right generally belongs to the singer.

The right to print and sell a single song and multiple songs or copies of sheet music of musical compositions is the print right, which is licensed by the publisher.

A mechanical right refers to the right to record, reproduce and distribute to the public a copyrighted musical composition on

phone records (which includes audiotapes, compact discs and any other material object in which sounds are fixed, except those accompanying motion pictures and other audiovisual works). The licenses granted to the user to exploit the mechanical rights are called mechanical licenses.

The right to record a musical composition in synchronization with the frames or pictures in an audiovisual production, such as a motion picture, television program, television commercial, or video production, is called the synchronization ('synch') right. A synchronization license is required to permit the music to be fixed in an audiovisual recording. The grant of this license permits the producer to incorporate a particular piece of music into an audiovisual work. This license is traditionally obtained by the television producer, through direct negotiation with the composer and the lyric writer or, more commonly, their publisher.

Apart from the license needed to be obtained from a composer for the use of music in an audio-visual recording, a separate 'sync' license needs to be secured from the owner of the sound recording, which embodies or contains the musical work.

The term master recording (or master for short) refers to the originally produced recording of sounds (on a tape or other storage media) from which a record manufacturer or producer makes CD's or tapes, which it sells to the public. Master recording rights or master use rights are required to reproduce and distribute a sound recording embodying the specific

Scope and Duration of Protection

performance of a musical composition by a specific artist.



The use of musical works as mobile ringtones has been a rapidly growing area of music use. It has become a fun and hugely popular way to personalize your mobile phone. The popularity of ringtones has proved to be more widespread and enduring than many initially expected and has placed this new form of music use at the forefront of a predicted growth in paid-for content for mobile devices. A ringtone is a file of binary code sent to a mobile device via SMS or WAP. The license for ringtones usually covers the creation and delivery of both monophonic and polyphonic ringtones.

Digital Rights Management (DRM) tools and systems play an important role in online management of music sales to prevent piracy. For example, Apple's FairPlay technology and Microsoft's Windows Media build restraints into digital music so that copyright holders are compensated for sales and so that making of digital copies is curtailed.

How long do copyright and related rights protections last?

Protection of the economic rights in literary, dramatic or musical works lasts for the lifetime of the author plus an additional period of 50 years starting from the death of the owner of the work. It is, thus, not only the author who benefits from the work but also the author's heirs. If several authors are involved (work of joint authorship) then the term of protection is calculated from the death of the last surviving author. Once copyright protection over a work has expired, it is considered to be in the 'public domain'.

Special provisions may apply to certain categories of works, for example:

- Σ In the case of a cinematographic work, record or photograph, copyright will subsist until fifty years from the year next to which the work is published;
- Σ In anonymous or pseudonymous works, copyright protection will be for fifty years after the publication of work. However, if the identity of the author is disclosed during this period then copyright protection will be for 50 years after his death;



Protecting your Original Creations

- Σ Works created by the government or of which the government is the first owner, the copyright protection will be for fifty years starting from the calendar year next following the year in which the work is published first.
- Σ The protection of rights in typography lasts for 25 years.
- Σ The duration of protection for related rights is usually shorter than for copyright. The rights of broadcasters are protected for a period of 25 years from the end of the calendar year in which the broadcast took place. The rights of performer or producer of phonogram are protected for 50 years from the end of the calendar year following the performance or fixation as the case may be.

Protecting your Original Creations

3 Protecting your Original Creations

What do you have to do to obtain copyright or related rights protection? Copyright and related rights protection is granted without any official procedure. A work is automatically protected as soon as it exists, without any special registration, deposit, payment of fee or any other formal requirement.

How do you prove that you are the owner of copyright?

A system of protection without formalities may pose some difficulty when trying to enforce your rights in case of a dispute. Indeed, if someone claims that you have copied a work of his or hers, then how do you prove that you were the first creator? You can take some precautions to create evidence that you authored the work at a particular point in time. For example:

The best option is to get your work registered with the Copyright Office for a fee. Doing so provides evidence of the existence of a valid claim to copyright protection. You can more effectively pursue a lawsuit for copyright infringement if you have registered the work at the Copyright Office. Prior optional registration is, therefore, strongly advisable.

Procedure for Registration

- Σ The author or publisher of, or the owner or any other person interested in the copyright in, any work may make an application in triplicate in the prescribed form II (Annex V) to the

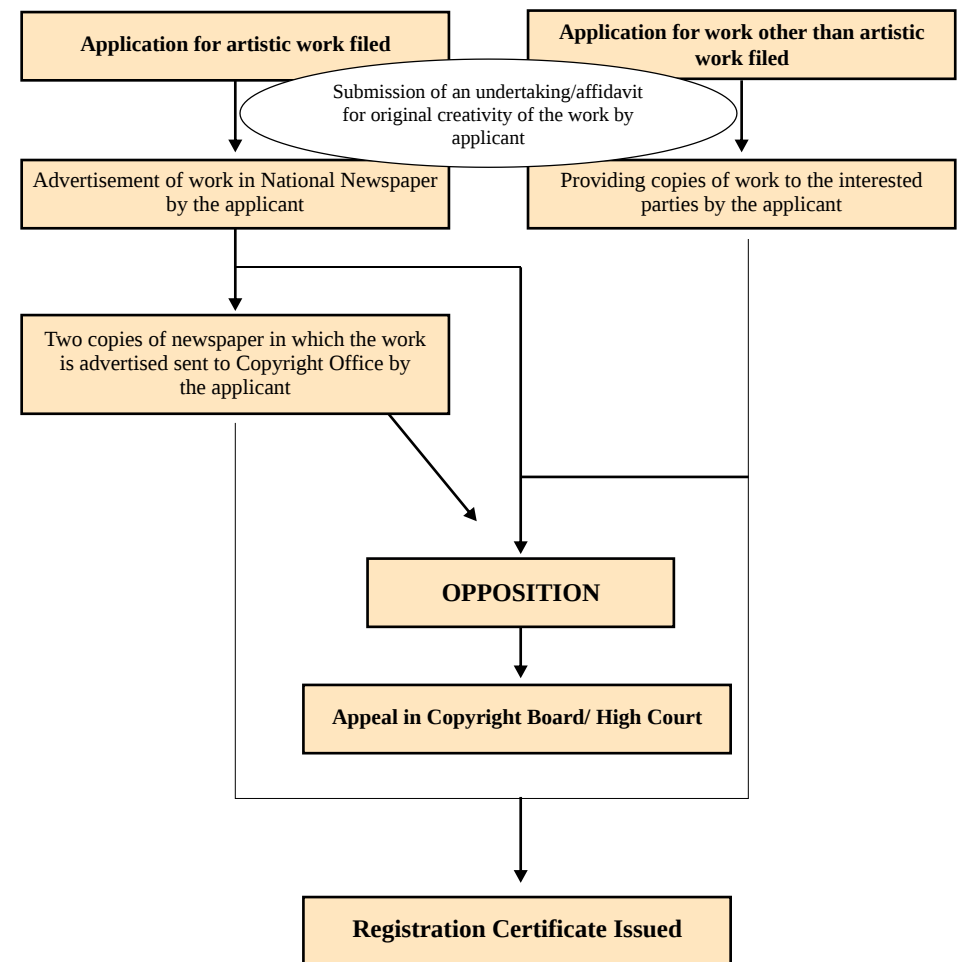
Registrar of Copyrights. This application must be accompanied by a copy of the work and the prescribed fee of Rs. 500. The application can be filed either by hand or through registered post.

- Σ The applicant will simultaneously send a copy of the application to every other person interested in the copyright of the work, if any.
- Σ If no objections to such registration is received by the Registrar within 30 days of the receipt of the application by him, he shall register the copyright if he is satisfied about the correctness of the particulars given in the application.
- Σ If objections are received by the Registrar within 30 days of the receipt of the application, or, if he is not satisfied about the correctness of the particulars given in the application, he may hold such inquiry as he may deem fit and then register the copyright.
- Σ There is no timeline for filing application for registration of copyright, however, it is advisable to file the application as soon as possible. The registration procedure generally does not take long and is completed within 4 to 8 weeks.

For further information on registration procedure you may visit the IPO Pakistan website www.ipa.gov.pk. In case of artistic

Protecting your Original Creations

works, after filing the application, the applicant will advertise the work in a newspaper and send two copies of the same to the Registrar. If the Registrar does not receive any objections then his the particulars of the work are entered in the Register of Copyrights and a certificate of registration is issued to the applicant. The stages of registration of an artistic work and also for work other than artistic work is given below.



Protecting your Original Creations

You may deposit a copy of your work with a bank or lawyer. Alternatively, you could send yourself a copy of your work in a sealed envelope by special delivery post (which results in a clear date stamp on the envelope), leaving the envelope unopened upon delivery. However, this practice may or may not be considered as valid evidence by the Courts. Works that are published should be marked with a copyright notice. It is also advisable to mark your work with specific standard identification numbering systems, such as the International Standard Book Number (ISBN) for books; the International Standard Recording Code (ISRC) for sound recordings; the International Standard Music Number (ISMN) for printed music publications; the International Standard Musical Work Code (ISWC) for musical works of the kind which are within repertoires mostly controlled by collective management organizations; the International Standard Audiovisual Number (ISAN) for audiovisual works, etc.



Each of these elements may be entitled to copyright protection in its own right. In addition, the compilation or consolidation of these works – the multimedia product itself – may receive copyright protection if this process results in a product which is considered to be original.

How do you protect your works in electronic or digital form?

Works in electronic or digital form (e.g., CDs, DVDs, online text, music, movies) are especially vulnerable to infringement, as they are easy to copy and transmit over the internet. The measures outlined above, such as the registration or deposit at the copyright office also apply to such works. When businesses provide copyright-protected works online, such works are generally subject to a "mouse-click contract" (also called "click-wrap contract") that seeks to limit what the user can do with the content. Such restrictions typically limit use to a single user and allow that user only to read/listen to a single copy. Redistribution or reuse is generally prohibited. In addition, many businesses employ technological measures to protect their copyright in digital content. Such measures are generally referred to as "Digital Rights Management" (DRM) tools and systems. They are used for

Copyright Protection for Multimedia Products

A "multimedia" product typically consists of several types of works, often combined together in a single fixed medium, such as computer disk or CD-ROM. Examples of multimedia products are video games, information kiosks and interactive web pages. The elements that can be combined into a multimedia product include music, text, photographs, clip art, graphics, software, and full motion video.

Protecting your Original Creations

defining, tracking and enforcing permissions and conditions through electronic means and throughout the content lifecycle. There are two ways in which DRM tools and systems can help control copyright in digital works:

- Σ Marking the digital works with information about its copyright protection, owner, etc., which is called "rights management information;" and
- Σ Implementing "technological protection measures" (TPMs) that help to control (permit or deny) access or use of the digital works. TPMs, when used in relation to different types of copyright works, can help control the user's ability to view, hear, modify, record, excerpt, translate, keep for a certain period of time, forward, copy, print, etc., in accordance with the applicable copyright or related rights law. TPMs also ensure privacy, security and content integrity.

Choosing the Right DRM Tools

There are many techniques that can be used to lower the likelihood of copyright infringement through the application of DRM tools and systems. Each has different strengths and weaknesses as well as acquisition, integration and maintenance costs. The choice of particular techniques is best determined by your assessment of the level of risk associated with the use of the work.

Rights Management Information

There are various ways to identify your

copyright protected material:

- Σ You may label the digital content, for example, with a copyright notice or a warning label such as "May be reproduced for non-commercial purposes only." It is good practice also to include a copyright statement on every page of your business website that spells out the terms and conditions for use of the content on that page.
- Σ The Digital Object Identifier (DOI) is a system for identifying copyright works in the digital environment. DOIs are digital tags/names assigned to a work in digital form for use on the internet. They are used to provide current information, including where the work can be found on the Internet. Information about a digital work may change over time, including where to find it, but its DOI will not change. (See www.doi.org).
- Σ A time stamp is a label attached to digital content (works), which can prove what the state of the content was at a given time. Time is a critical element when proving copyright infringement: when a particular email was sent, when a contract was agreed to, when a piece of intellectual property was created or modified, or when digital evidence was taken. A specialized time stamping service may be involved to certify the time a document was created.
- Σ Digital watermarks use software to embed copyright information into the digital work itself. The digital

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watermark may be in a visible form that is readily apparent, much like a copyright notice on the margin of a photograph, or it may be embedded throughout the document, just as documents are printed on watermarked papers. Often, it is embedded so that in normal use it remains undetected. While visible watermarks are useful for deterrence, invisible watermarks are useful for proving theft and on-line tracing of the use of a copyright work.

Technological Protection Measures (TPMs)

Some businesses prefer to use technology to limit access to their works to only those customers who accept certain terms and conditions for the use of the works. Such measures may include the following:

- Σ Encryption is often used to safeguard software products, phonograms and audiovisual works from unlicensed use. For example, when a customer downloads a work, DRM software can contact a clearinghouse (an institution which manages the copyright and related rights) to arrange payment, decrypt the file, and assign an individual "key"- such as a password – to the customer for viewing, or listening to, the content.
- Σ An access control or conditional access system, in its simplest form, checks the identity of the user, the content files, and the privileges (reading, altering, executing, etc.) that each user has for a particular work. An owner of a digital work may configure access in

numerous ways. For example, a document may be viewable but not printable, or may be used only for a limited period of time.

- Σ Releasing only versions of lower quality. For instance, businesses can post photographs or other images on their website with sufficient detail to determine whether they would be useful, e.g., in an advertising layout, but with insufficient detail and quality to allow reproduction in a magazine.

Use Care When it Comes to TPMs

- Σ Businesses that offer digital content may consider implementing TPMs if there is a need to protect against unauthorized reproduction and distribution of the digital works. The use of TPMs, however, should be balanced with other considerations. For example, TPMs should not be used in ways that violate other laws that may apply.
- Σ Businesses that make use of other people's digital content are encouraged to obtain all licenses or permissions necessary for the desired use (including authorization to decrypt a protected work, if necessary). This is because a business or individual who circumvents a TPM and then uses the protected work may be liable for violating an anti-circumvention law such as Prevention of Electronic Crimes Ordinance, 2007 as well as for copyright infringement.

Protecting your Original Creations



A case study of SMAP

Small and Medium

Enterprises Development Authority (SMEDA) has developed a software "SMEDA Accounting Package (SMAP)" for SMEs to address their bookkeeping requirements. The software is available to SMEs and training and accounting professionals free of cost.

SMEDA has systematically assessed the measures necessary to protect, manage and enforce its rights, so as to obtain the best possible protection from unauthorized software usage and piracy. Every copy of the SMAP software includes a user's license, which indicates that the software is protected by copyright law, and Imitation or unauthorized use. SMEDA is in the process of getting its software registered with the Copyright Office.

SMEDA is aware that violations of intellectual property rights and, in particular, software piracy occurs frequently, and has, therefore, elaborated a parallel strategy to protect its products. First, SMEDA incorporated in its software a series of technological mechanisms to prevent the software from being easily imitated. Second, SMEDA focused on the technical backup and update support through its authorized service providers and on the continuing innovation of new versions of its products to be delivered to legitimate users, so that they may prefer and perceive the value of purchasing legal software instead of pirated software.

What protection do you have abroad?

Most countries are members of one or more international treaties to ensure, amongst other things, that a copyright work created in one country is automatically protected in all countries that are members of such international treaties. The most important international treaty on copyright is the Berne Convention for the Protection of Literary and Artistic Works (see Annex IV). Pakistan is also a party to the Berne Convention. So if your work is published in Pakistan or any other member country, your work will automatically enjoy the level of copyright protection granted through the Berne Convention to all other countries that are party to this Convention. However, copyright protection remains territorial in nature. Therefore your work will only enjoy copyright protection if it meets the legal requirements of the copyright law of the relevant country. So while your work may automatically be protected by copyright in many countries (because of international treaties), you still have a separate copyright protection system in each country, which varies considerably amongst countries. Pakistan is also a member of the Universal Copyright Convention 1948 and the Trade Related Intellectual Property Rights (TRIPS) Agreement 1994 under the World Trade Organization (WTO).

Is a copyright notice on the work obligatory?

In Pakistan, a copyright notice on the work (showing or stating that the work is copyrighted) is not required for protection. Nevertheless, it is strongly advisable to place a copyright notice on or in relation to your work, because it reminds people that

Protecting your Original Creations

the work is protected and identifies the copyright owner. Such identification helps all those who may wish to obtain prior permission to use your work. Placing a copyright notice is a very cost effective safeguard. It requires no significant extra expense, but may end up saving costs by deterring others from copying your work, as well as facilitating the process of granting prior permission by making it easier to identify the copyright owner.

Also, including a valid notice means that an infringer is deemed to have known of the copyright status of the work. As a result, it will be easy to establish that he committed willful infringement, which may carry a much higher penalty than for an innocent infringement. There is no formal procedure to put the notice on your work. It can be written, typed, stamped or painted. A copyright notice generally consists of:

- Σ The word "copyright", "copr." or the copyright symbol ©;
- Σ The year in which the work was first published;
- Σ The name of the copyright owner; and
- Σ A statement that all rights are reserved.

Example:

- a) Copyright 2006, ABC Ltd.
All Rights Reserved.
- b) Trade in Services: An answer book for small and medium-sized exporters
© International Trade Center
UNCTAD/WTO, Small and Medium Enterprises Development Authority, 2007

If you significantly modify a work, it is advisable to update its copyright notice by adding the years of each modification. For

example, "2000, 2002, 2004" indicates that the work was created in 2000 and modified in 2002 and 2004. Another example, Creative Expression: An introduction to Copyright and Related Rights for Small and Medium-sized Enterprises, SMEDA Copyright (2009). WIPO owns copyright in the original English Language version (2006).

For a work that is constantly updated, such as content on a website, it is possible to include the years from the time of first publication to the present: for example, © 1998-2006, ABC Ltd. It is also advisable to supplement the notice with a listing of acts that may not be performed without permission.

For protected sound recordings, the letter "P" (for phonogram), in a circle or in brackets, is used in some countries but use of letter "P" alone may not be so beneficial as in Pakistan people at large may not be able to understand its significance. In Pakistan, the law makes it mandatory to display the (a) name and address of the person who has made the record; (b) the name and address or the owner of the copyright in such work; and (c) the year of its first publication.

Copyright Protection for Websites

Websites involve combinations of many different creative works, such as graphics, text, music, artwork, photographs, databases, videos, computer software, the HTML code used to design the website, etc. Copyright may protect these elements separately, e.g., an article at a website may have its own copyright. For further information, see: www.wipo.int/sme/en/documents/business_website.htm

Ownership of Copyright

4 Ownership of Copyright

Is the author always the owner of a copyright work?

The meaning of 'authorship' and of 'ownership' is often confused. The author of a work is the person who created the work. If the work was created by more than one person, then all the creators are considered as co-authors or joint authors. The issue of authorship is especially relevant in connection with moral rights and in order to determine the date on which protection expires.

Copyright ownership is a different issue. The owner of the copyright in a work is the person who has the exclusive rights to exploit the work, for example, to use, copy, sell, and make derivative works. Generally, copyright in a work initially belongs to the person who actually created it, that is to say, the author. However, this is not the case in the following circumstances:

- Σ If the work was created by an employee as a part of his/her job;
- Σ If the work was created for government;
- Σ If the work was commissioned or specially ordered; or
- Σ If the work was created by several persons.

Note that even in these cases the parties have full rights to determine through a written agreement as to who will be the owner of the copyright and their agreement will be enforceable under the law.

Who owns the moral rights?

Moral rights always belong to the individual creator of the work (or his/her heirs). The moral rights, termed as "special rights" in Pakistan, cannot be assigned or relinquished.



Courtesy: Rafi Peer Theatre Workshop
The puppets created for this play are the original work of Rafi Peer Theatre Workshop and this artistic work has been appreciated world wide.

Ownership of Copyright

Who owns the copyright in works created by an employee?

In Pakistan, if a work was created by an employee within the scope of his/her employment, then the employer automatically owns the copyright, unless otherwise agreed. However, in case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical for the purpose of publication in a newspaper, magazine or similar periodical the case is slightly different. In such case, the said proprietor will be the first owner of the copyright in the work to the extent of publication of the work, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work.

Example: A computer programmer is employed by a company. As part of his job, he makes video games, during normal working hours and using the equipment provided by the company. The economic rights over the software will belong to the company.

Disputes may arise in the event an employee does some work at home or after hours, or produces work not within the scope of the employee's ordinary employment. It is a good practice, to avoid disputes, to have employees sign a written agreement that clearly addresses all the relevant types of copyright issues that may arise.

Who owns the copyright in commissioned works?

If a work was created by, say, an external consultant or creative service, that is, in the course of a commission contract, in case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematographic work made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

In the cases that do not fall in the above category, the law does not specify the first owner and ownership will be determined on the basis of mutual agreement of the parties. In absence of a specific agreement, the intention of the parties or prevalent practice in the relevant sector may be the basis of determination of first owner.

The issue of ownership also often arises in connection with the re-use of commissioned material for the same or a different purpose.

As in the case of the employer-employee context, it is important that you address copyright ownership issues in a written agreement, which should be entered into before commissioning external creative services.

Ownership of Copyright

Works Created for Governments

In Pakistan, the government will own copyright in works created or first published under its direction or control, unless otherwise agreed in a written contract. Small businesses that create work for government departments and agencies need to be aware of this rule and arrange, by written contract, to clarify copyright ownership.

Works for Hire

In some countries, like in the United States of America, the copyright law defines a category of works called 'works made for hire.' A work made for hire is a work created by an employee within the scope of employment or commissioned under contract. With a work for hire, the copyright owner is the entity that pays for it, not the person who creates it. The entity may be a firm, an organization or an individual.

Who owns the copyright in works created by several authors?

A basic requirement of co-authorship is that each co-author's contribution must itself be copyrightable subject matter. In the case of co-authorship, the rights are usually exercised on the basis of an agreement between all the co-authors. In the absence of such agreement, the following rules generally apply:

Σ Joint works. When two or more authors agree to merge their contributions into an inseparable or interdependent combination of the individual contributions, a 'joint work' is created.

An example of a joint work is a textbook in which two or more authors contribute separate components that are intended to be combined into a single work. In a joint work, the contributing authors become the joint owners of the entire work. All joint owners either must consent to the exercise of copyright and the profits generated by it may be shared. A written agreement among the authors or owners is usually the best course of action, specifying such issues as ownership and use issues, rights to revise the works, marketing and sharing of any revenue, and warranties against copyright infringement.

Σ Collective works. If the authors do not intend the work to be a joint work and would like their contributions to be used separately, then the work will be deemed to be 'collective.' Examples of collective works are a CD, which is a compilation of songs by various composers, or a magazine containing articles by freelance authors. In that case, each author owns the copyright in the part he/she created.

Σ Derivative works. A derivative work is a work based on one or more pre-existing works, such as a translation, musical arrangement, art reproduction, dramatization or motion picture version. Making derivative works is an exclusive right of the copyright owner. However, a derivative work itself can qualify for separate copyright protection, although the copyright extends only to those aspects, which

Ownership of Copyright

are original to the derivative work. In practice, it is not always easy to distinguish a joint work from a collective or a derivative work. The various authors of a joint work often make their respective contributions independently and at different times, so that there may be 'earlier' and 'later' works.

It is the mutual intent of the co-authors to be, or not to be, joint authors that will

determine, in most countries including Pakistan, whether the work is a joint work, a collective or a derivative work. Joint authorship requires intent – without the intent to create a joint work, two or more authors producing inseparable or interdependent works will produce a derivative or collective work. Similarly, the contribution of one author should not be distinct from the contribution of other author.



"Aik Muhabbat So Afsanay": A famous book of well-known writer Ashfaq Ahmed was adapted as a television drama series.

Benefiting from Copyright and Related Rights

5 Benefiting from Copyright and Related Rights

How can you generate income from creative works?

If your company owns copyright in a work, you automatically have a complete bundle of exclusive rights. This means that only your company may reproduce the protected work, sell or rent copies of the work, prepare derivative works, perform and display the work in public, and do other similar acts. If others want to use or commercialize your copyright material, you may license or sell a part of one, various or all of your exclusive rights, in exchange for payment(s). The payment(s) can be one time or recurring. This will often add up to much greater profits for your business rather than direct exploitation of your copyright by the author, creator or copyright owner.

The exclusive rights can be divided and subdivided and licensed or sold to others in just about any way you can imagine. Thus, these may be sold or licensed limited by territory, time, market segment, language (translation), media or content. For example, a copyright owner may assign the copyright in a work completely or sell the publishing rights to a book publisher, the film rights to a film company, the right to broadcast the work to a radio station and the right to adapt the work dramatically to a drama society or television company.

There are many ways to commercialize creative works:

- Σ You may simply sell the works that are protected by copyright, or make copies and sell the copies; in both cases, you retain all or most of the rights arising out of copyright ownership (see next paragraph);
- Σ You may allow someone else to reproduce or otherwise use the works. This can be done by licensing your economic rights over the works; and
- Σ You may sell (assign) your copyright over the works, either entirely or partly.

If you sell your work, do you lose copyright over it?

Copyright is distinct from the right of possession of the physical object in which the work is fixed. Merely selling a copyright work (e.g., a computer program or a manuscript) does not automatically transfer copyright to the buyer. Copyright in a work generally remains with the author unless he expressly assigns it by a written agreement to the buyer of the work. However, in certain countries, if you sell a copy of a work, or the original (e.g., a painting), you may lose some of your exclusive rights out of the bundle of rights associated with copyright.

For example, the buyer of the copy may have the right to further dispose of the copy, for instance to sell or transfer it. What rights will

Benefiting from Copyright and Related Rights

be lost or kept varies significantly from country to country. It is advisable to check the applicable copyright law(s) before selling copies of work in your export market.

What is a copyright license?

A license is a permission that is granted to others (individuals or companies) to exercise one or more of your economic rights over a work protected by copyright. The advantage of licensing is that you remain the copyright owner, while allowing others to make copies, distribute, download, broadcast, webcast, simulcast, podcast, or make derivative works in exchange for payment. Licensing agreements can be tailored to fit the parties' specific requirements. Thus, you may license some rights and not others. For example, while licensing the right to copy and use a computer game, you may retain the rights to create derivative works from it (e.g., a movie).

What is the difference between an exclusive and a non-exclusive license?

A license may be exclusive or non-exclusive. If you grant an exclusive license, the licensee alone has the right to use the work in the ways covered by the license and even you will not be allowed to use the work in the ways covered by the license. An exclusive license may also be restricted, for example, to a specified territory, for a period of time, for limited purposes, or the continuation of the exclusivity may be conditional upon other types of performance requirements. Exclusive licenses are often a good business strategy for getting a copyright product distributed and sold in the market, if you lack

the resources to effectively market your work yourself.

On the other hand, if you grant a non-exclusive license to a company, you give that company the right to exercise one or more of your exclusive rights, but this does not prevent you from allowing others (including yourself) to exercise the same rights at the same time. Thus, you may give any number of individuals or companies the right to use, copy or distribute your work. As with exclusive licenses, non-exclusive licenses may be limited and restricted in all ways.

In Pakistan, both an exclusive and a non-exclusive license must be in writing in order to be valid. However, it is not compulsory to report the grant of any license to the copyright office.

Any licensee may make an application in the prescribed form, accompanied by the prescribed fee, the original instrument of such grant and a certified copy thereof, to the Registrar for entering the particulars of the grant in the Register of Copyrights.

What happens when you sell your copyright?

An alternative to licensing is to sell your copyright in the work to someone else, who then becomes the new copyright owner. The technical term for such a transfer of ownership is an "assignment." Whereas a license only grants a right to do something, which in the absence of the license would be unlawful, an assignment transfers the total interest in your right(s). You may either transfer the entire bundle of rights, or just part of it. An assignment must be in writing

Benefiting from Copyright and Related Rights

and signed by the copyright owner or his duly authorized agent to be valid.

It is important to note that in Pakistan, where the owner of the copyright in a work is the author of the work, no assignment of the copyright in the work or of any interest in such copyright can be made (except where the assignment is made in favour of Government or an educational, charitable, religious or non-profit institution) for a period of more than ten years. If an assignment of the copyright in a work is made in contravention of this rule, the copyright in the work will automatically revert to the author on the expiry of ten years. If the author dies before the end of ten years, the copyright will revert to his representatives in interest.

Is it mandatory to register the assignment or licence of your copyright?

It is not mandatory to register assignments or license of your copyright work with the Registrar of Copyright. However, registration will create a valid evidence of your assignment or license. Following is the procedure for registration:

- Σ A person interested in granting an assignment of license may make an application to the Registrar of Copyright in the prescribed form accompanied by a fee of Rs. 500, the original and a certified copy of the agreement granting assignment or the license as the case may be.
- Σ On receipt of the application, the Registrar, after holding such inquiry as he may consider appropriate; register the assignment or the license unless for

reasons to be recorded in writing, he considers that such assignment or the license should not be made.

- Σ The certified copy of the agreement of assignment or the license shall be retained at the Copyright office and the original shall be returned to the applicant along with a Certificate of Registration endorsed or affixed thereon.



In a few countries, copyright cannot be assigned at all. Also, remember that only the economic rights may be transferred, as moral rights always remain with the author.

Licensing Strategy

By granting a license, you give the licensee the permission to do certain things as specified in the license agreement that otherwise would not be permissible. Therefore, it is important to clearly define the scope of the activities permitted under the license agreement as precisely as possible. Generally, it is better to grant licenses that are limited in scope to the specific needs and interests of the licensee. Grant of a non-exclusive license makes it possible to grant any number of licenses to other interested users for identical or different purposes on identical or different terms and conditions.

Sometimes, however, absolute control over a work represents a business security for the licensee or an essential part of its business strategy. In such situations, an exclusive

Benefiting from Copyright and Related Rights

license or an assignment of all your rights in exchange for a one-time fee may be the best deal. But you should consider such negotiations only after having exhausted all other possible alternatives, and make sure that you are paid adequately for it. Once you assign the copyright in a work you lose all its future income-earning potential.

What is merchandising?

Merchandising is a form of marketing whereby an intellectual property right (typically a trademark, industrial design or copyright) is used on a product to enhance the attractiveness of the product in the eyes of the customers. Strip cartoons, actors, pop stars, sports celebrities, famous paintings, statues, and many other images appear on a whole range of products, such as T-shirts, toys, stationary items, coffee mugs or posters. The merchandising of products by relying on copyright may be a lucrative additional source of income, for businesses that own copyright works (such as strip cartoons or photographs). Licensing out copyright to potential merchandisers can generate lucrative license fees and royalties. It also allows a business to generate income from new product markets in a relatively risk-free and cost-effective way. Companies that manufacture low-priced mass produced goods, such as coffee mugs, candies or T-shirts, may make their products more attractive by using a famous character, artistic work, or other appealing element on them.

Merchandising requires prior authorization to use the various rights (such as a copyright protected work, an industrial design or a trademark) on the merchandised good.

Extra caution is necessary when celebrities' images are used for merchandising, as they may be protected by privacy and publicity rights.

Example:

Bano Qudsia is a well known writer in Pakistan. She initially started with writing books and later her stories were adapted for television dramas.

There are several well-known international examples, one being of Mary Engelbreit-Artist and Entrepreneur. The colorful and intricate designs created by Mary have been licensed to many card companies. Moreover, many other companies are ready to license Mary's distinctive artwork on a wide range of products including calendars, T-shirts, mugs, gift books, rubber stamps, ceramic figurines and more. A case study about her business may be read at http://www.wipo.int/sme/en/case_studies/engelbreit_licensing.htm.

How do you license your works?

As a copyright or related rights owner, it is up to you to decide whether, how and to whom you may license the use of your works. There are various ways in which licensing is managed by copyright holders.

Σ One option is to handle all aspects of the process of licensing yourself. You may negotiate the terms and conditions of the licensing agreement individually with every single licensee or you may offer licenses on standard terms and conditions that must be accepted as such by the other party if it is interested in exploiting your copyright or related

Benefiting from Copyright and Related Rights

rights works.

Σ Administering all your rights yourself will most frequently involve considerable administrative workload and costs to gather market information, search for potential licensees and negotiating contracts. Therefore, you may consider entrusting the administration of some or all of your rights to a professional licensing agent or agency, such as a book publisher or a record producer, who will then enter into licensing agreements on your behalf. Licensing agents are often in a better position to locate potential licensees and negotiate better prices and licensing terms than you may be able to do on your own.

Σ In practice, it is often difficult for a copyright or related rights owner, and even for licensing agents, to monitor all the different uses made of their works. It is also quite difficult for users, such as radio or TV stations, to individually contact each author or copyright owner in order to obtain the necessary permissions. In situations where individual licensing is impossible or impracticable, joining a performing rights society or collective management organization (CMO) may be a good option, if available for the specific category of works involved. In Pakistan a performing rights society (or CMO) is required to file its particulars with the Copyright Office. Unfortunately, as per official data no performing rights society or CMO exists in Pakistan. However, in order to

familiarize you with the concept of CMO which is extensively used and relied internationally, we are giving out the details regarding CMOs.

CMOs monitor uses of works on behalf of creators of certain categories of works, and are in charge of negotiating licenses and collecting payment. You may join a relevant CMO in other countries where your work may be in demand.

How do collective management organizations work?

CMOs act as intermediaries between users and a number of copyright owners who are members of the CMO. Generally, there is one CMO per type of work and per country. However, CMOs exist for only some types of works, such as film, music, photography, reprography (all kinds of printed material), television and video, and visual arts. On joining a CMO, members notify the CMO about the works that they have created or own. Traditionally, the core activities of a CMO are:

- 1) documentation of works of its members,
- 2) licensing and collecting royalties on behalf of its members,
- 3) gathering and reporting information on the use of works,
- 4) monitoring and auditing, and
- 5) distribution of royalties to its members.

The works included in the repertoire of the

Benefiting from Copyright and Related Rights

CMOs are consulted by persons or companies interested in obtaining a license for their use. To enable the copyright or related rights owners to be represented internationally, CMOs enter into reciprocal agreements with other CMOs throughout the world. The CMOs then grant licenses on behalf of their members, collect the payments, and redistribute the amount collected, based on an agreed formula, to the copyright owners.

The practical advantages of collective management are as follows:

- Σ Collective licensing has many benefits for users and rights-holders. A one-stop shopping greatly reduces administrative burden for users and rights-holders; not only does collective management provide right-owners access to economies of scale with respect to administration costs but also in making investments in research and development for creating digital systems that allow a more effective fight against piracy. Further, collective licensing is a great equalizer; without a collective system in which all market operators participate, small and medium-sized right-holders and small and medium-sized users would be simply locked out of the market.
- Σ It also allows owners of protected works to use the power of collective bargaining to obtain better terms and conditions for the use of their works as a CMO is able to negotiate on a more balanced basis with numerous, more powerful and often dispersed and distant user groups.

- Σ Businesses that want to use others' copyright or related rights are able to deal with only one organization and may be able to get a blanket license. A blanket licence allows the licensee to use any item in the CMO's catalogue or repertoire for a specified period of time, without the need to negotiate the terms and conditions for the rights of each individual work.
- Σ It offers a useful tool for businesses which want to license material in digital form, while making it simpler to obtain those rights.
- Σ Many CMOs also play an important role outside of their immediate licensing business. For example, they are involved in enforcement (anti-piracy); provide education and information dissemination services; interface with legislators; stimulate and promote the growth of new works in different cultures through cultural initiatives; and contribute to social and legal welfare of their members. In recent years, many CMOs are actively developing DRM components for managing rights.. Also, many CMOs are actively participating in international fora to promote the development of common, interoperable and secure standards that respond to their needs for managing, administering and enforcing the rights they represent.
- Σ Details of the relevant CMOs in a country may be obtained from an international federation of CMOs or from the Copyright Office (see Annex I), from the relevant industry association or from one of the international non-governmental organizations listed in Annex I.

Benefiting from Copyright and Related Rights

Managing Copyright and Related Rights

The rights granted by copyright and related rights may be managed by:

- Σ The owner of the rights;
- Σ An intermediary, such as a publisher,
- Σ producer or distributor; or
- Σ A performing rights society / collective management organization (CMO). In some cases, management by a CMO may even be mandated by law.

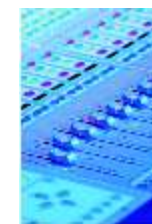
Collective Management in the Music Industry

Collective management of rights plays a central role in the music business due to the different types of rights in the music business chain.

- Σ Rights collected on behalf of authors, composers and publishers;
- Σ Rights collected on behalf of producers of sound recordings (or phonograms) and;
- Σ Rights collected on behalf of performers and broadcasting organizations.

No wonder, thousands of small and medium-sized record companies, music publishers and artists in their respective countries rely on local and/or distant collective licensing organizations to represent their interests and negotiate with powerful users of music (large communication groups, radio, TV, telecom groups or cable-operators) to ensure an adequate reward for their creative activities. At the same time, all licensees, regardless of size, have access to all repertoires without having to negotiate with a large number of individual right holders.

CMOs of performers (music and audiovisual) have been managing rights on the internet since the beginning, mainly simulcasting and webcasting, and from now on, will also address the making available right".



In most countries, a broadcasting corporation must pay for the right to broadcast music. The payment is made to the composer, but generally in an indirect way. In practice, the composer assigns his or her rights to an organization (CMO), which negotiates with all those interested in publicly performing music. The CMO, representing a membership of a large number of composers, pays royalties to its members in accordance with the number of times a particular work is performed in public. Broadcasting organizations negotiate an overall annual payment to the CMO and provide the CMO with sample returns from individual stations, which allow

Benefiting from Copyright and Related Rights

the calculation, for the purpose of paying royalties to composers, of the number of times a record has been played. This CMO can be any performing right society. For example, for Commonwealth broadcasters, the most relevant are the Australasian Performing Right Association, or the Performing Right Society, based in the United Kingdom. Both societies are in a position to give licenses to broadcasters for virtually any music composed anywhere in the world. The Australasian Performing Right Association (APRA), for example, controls not only the music which its own members assign to it within Australia, New Zealand and the South Pacific, but also the music written by United Kingdom composer and publisher members of the Performing Right Society. Similar agreements give control to APRA in Australia and New Zealand over musical works written by the various composer members of the United States' Societies, as well as societies in such countries as France, Germany, Italy, Spain, Holland, Greece and others.

A public performance license is necessary for any broadcast of a television program that contains music. The performance right must be licensed from the copyright owners or publishers of the composition and the sound recording used. A blanket license is traditionally secured, usually from a performing rights society.

Collective Management in Reprography
Businesses make massive use of all types of copyright-protected printed material. For example, they may need to photocopy articles from newspapers, journals and other periodicals and disseminate them to their

employees for information and research purposes. It would be impractical for companies, if not impossible, to ask for permission directly from authors and publishers all over the world for such use.

In response to the need to license large-scale photocopying, authors and publishers have established in many countries Reproduction Rights Organizations (RROs) – a type of CMO – to act as intermediaries and facilitate the necessary copyright authorization whenever it is impracticable for right holders to act individually.

On behalf of its members, licenses are issued by RROs, whereby, permission is granted to make reprographic or scanned copies of a portion of a published work (including books, journals, periodicals, etc.), in limited numbers of copies, for use by employees of institutions and organizations (including libraries, public administrations, copy shop, educational institutions, and a wide variety of businesses in trade and industry). Some RROs are also permitted to license other copyright uses, such as those related to electronic distribution via networks.



Using Works Owned by Others

6 Using Works Owned by Others

When do you need a permission to use the works of others?

Businesses often need to use works protected by copyright or related rights works to support their business activities. When using the work of others you must first determine if copyright permission is required. In principle, you will need authorization from the copyright owner:

- Σ If the work is covered by copyright and/or related rights law(s) (see section 2 for works protected by copyright);
- Σ If the work is not in the public domain;
- Σ If your planned exploitation implies the use of all or part of the rights granted to the copyright and/or related rights owner; and
- Σ If your intended use is not covered by "fair dealing" or by an exception specifically included in the Copyrights Ordinance, 1962.

Remember that you may need specific permission for using other people's work content outside your business premises (investor "road show," company website, annual report, company newsletter, etc.), and inside your business premises (distribution to employees, product research, in-house meetings and training, etc.). And, even if you use just a part of a copyright-protected work, you will generally need prior permission.

Do you also need permission to make electronic or digital use of the works of others?

Copyright protection applies to digital use and storage in the same way as it does to any other uses. Therefore, you may need prior permission from the copyright owners to scan their works; post their works on an electronic bulletin board or a website; save their digital content on your enterprise's database; or publish their works on your website. Most websites list the e-mail address of a contact person, making it relatively easy to request permission to reproduce images or text.

If you have bought a work protected by copyright, are you free to use it as you wish? As explained above, copyright is separate from the right of possession of the work. Buying a copy of a book, CD, video or computer program by itself does not necessarily give the buyer the right to make further copies or play or show them in public. The right to do these things will generally remain with the copyright

owner, whose permission you would need to do those acts. You should note that, as with photocopying a work, scanning a work to produce an electronic copy and downloading a copy of a work which is in an electronic form all involve copying the work, prior permission for which is generally needed before doing any of those acts.



Using Works Owned by Others

Licensing Software

Standardized packaged software is often licensed to you upon purchase. You purchase the physical package but only receive a license for certain uses of the software contained in it. The terms and conditions of the license (called "shrink-wrap license") are often contained on the package, which may be returned if you do not agree with the stated terms and conditions. By opening the package you are deemed to have accepted the terms and conditions of the agreement. Otherwise, the licensing agreement may be included inside the packaged software.

Often, the licensing of software also takes place on-line by means of "click-wrap licenses." In such licenses, you accept the terms and conditions of the agreement by clicking on the relevant icon on a webpage. If you need a particular software for a number of computers within your company, you may be able to receive volume licenses that give you significant discounts by purchasing software licenses in quantity.

In recent years, there has been increasing debate concerning the validity of software licenses as many manufacturers try to extend the boundaries of their rights through additional contractual provisions that go beyond what copyright and/or related rights laws permit. Furthermore, the validity of these licenses also depends on the nature of product and as these terms are generally result of inequality of bargain, the courts may invalidate them in some circumstances.

In all such cases, you should carefully go through the licensing agreement to find out what you may and may not do with the software you have bought. In addition, there may be exceptions in copyright law that may allow you to make certain uses of the computer program without needing permission.

What content or material are you entitled to use without permission?
Authorization from the copyright owner is not needed:

- Σ If you are using an aspect of the work which is not protected under copyright law. For example, if you are expressing the facts or ideas from a protected work in your own way, rather than copying the author's expression;
- Σ If the work is in the public domain; and
- Σ If your use is covered by the concept of 'fair dealing' or by an exception specifically included in section 57 of the Copyright Ordinance.

When is a work in the public domain?

If no one has copyright in a work, that work belongs to the public domain and anyone may freely use it for any purpose whatsoever. The following types of works are in the public domain:

- Σ A work for which copyright protection period has expired;

Example: Our national poet Allama Muhammad Iqbal died in 1938. Poetry

Using Works Owned by Others

written by him is in the public domain. Anyone can, therefore, use his work.

- Σ A work that cannot be protected by copyright (e.g., title of a book); and
- Σ A work for which the copyright owner has explicitly abandoned his rights, for example, by putting a public domain notice on the work. Absence of a copyright notice does not imply that a work is in the public domain, even if the work is available on the Internet.

How do you find out whether a work is still protected by copyright or related rights?

An author's name will normally be indicated on the work, whereas the year in which the author died may be available in bibliographic works or public registers. If that search does not give clear results, you may consult the copyright register of Copyright Office to check for any relevant information, or you may contact the publisher of the work. Remember that there may be several copyrights in one product, and these rights may have different owners, and with different periods of protection. For example, a book may contain text and images that are protected by several and separate copyrights, each expiring at a different date.

When can you use a work under an exception to copyright?

Copyright Ordinance include a number of limitations and exceptions, which limit the scope of copyright protection, and which allow free use of works under certain circumstances. Generally these exceptions include the use of a quotation from a

published work (that is, to use short excerpts in an independently created work), copying for private and personal use (e.g., for research and study purposes), for reproduction in libraries and archives (e.g., of works out of print, where the copies are too fragile to be lent to the general public), or reproduction of excerpts of works by teachers for use by the students in a class.

Many other limitations and exceptions are described exhaustively in the Copyright Ordinance, which should be consulted for guidance or preferably you should seek expert advice.

The exceptions contained in the Copyright Ordinance also include "fair dealing" of a copyrighted work. The scope of "fair dealing" in Pakistan extends to the following activities:

- a. A fair dealing with a literary, dramatic, musical or artistic work for the purpose of:
 - (i) research or private study;
 - (ii) criticism or review, whether of that work or of any other work;
 - (iii) reporting current events in a newspaper, magazine or similar periodical; or by a broadcast or in a cinematographic work or by means of photographs.
- b. Furthermore, many activities that are generally covered under "fair dealing" have been covered in other exceptions enumerated in section 57 of the Ordinance.

Using Works Owned by Others

Note that, even if you use other people's work under these provisions, in most cases you still need to cite the name of the author.

What is a levy system for private copying? Individuals copy large amounts of copyright material for their own personal, non-commercial use. Such copying creates a profitable market for the manufacturers and importers of recording equipment and media. However, private copying cannot by its very nature be managed by contract, private copies are made spontaneously by people in the privacy of their own homes. Therefore, in some countries, copying for private use is simply permitted under an exception; no prior permission needs to be sought. But in exchange, a number of such countries have set up a payment system of levies to reimburse artists, writers and musicians for such duplication of their works. A levy system may be composed of two elements:



- Σ Equipment and media levy: A small copyright fee is added to the price of all sorts of recording equipment, ranging from copying and fax machines to CD and DVD burners, video cassette recorders and scanners. Some countries also provide for a levy on blank recording media, such as photocopying paper, blank tapes, CD-Rs or flash cards.
- Σ Operator levy: A "user fee" is paid by schools, colleges, government and

research institutions, universities, libraries and enterprises making a large volume of photocopies.

Levies are usually collected by a Collective Management Organization (CMO) from manufacturers, importers, operators or users, and then distributed to the relevant right owners. In Pakistan however, levy system does not exist.

Can you use works protected by technological protection measures (TPMs)? Businesses need to use care when making commercial uses of works protected by TPMs if this would require circumventing the TPM, an action that may now be prohibited by Prevention of Electronic Crimes Ordinance, 2007. The liability for these violations is separate and distinct from any liability for infringing copyright in the protected works. This means that even if circumvention is authorized, the regular rules of copyright infringement still apply. Thus, any exploitation of the work probably still needs to be licensed from the copyright owner.

Circumvention of a TPM would occur, for instance, if you hack into someone's digital rights management system in order to use the protected content without authorization, or if you decrypt a copyright work without authorization. The Prevention of Electronic Crimes Ordinance, 2007 does not only prohibit unauthorized access to a system, device or data, but also considers any preparatory act or the making available of aiding equipment also to be an offence punishable with imprisonment upto three years or one and a half years, respectively.

Using Works Owned by Others

How can you get authorization to use protected works over which rights are owned by others?

There are two primary ways to go about obtaining permission to use the copyright or related rights. Internationally, the best way is probably to first see if the work is registered in the repertoire of the relevant CMO, which considerably simplifies the process of obtaining licenses. CMOs generally offer purposes and uses. Some CMOs also offer digital licenses, rights-protected work: using the services of a CMO, or contacting the copyright or related rights owner directly if contact details are available. If copyright or related rights in the work is/are not managed by any CMO as is the case in Pakistan, you will have to contact the copyright or related rights owner directly or his/her agent. The person named in the copyright notice is probably the person who was the initial copyright owner, but over a period of time, the economic rights of copyright or related rights may have been transferred to another person. By searching the Copyright Register you may be able to identify the current copyright or related rights owner. In case of written or musical works, you may contact the work's publisher or the record producer, who often owns the right to reproduce the material.

As there might be several "layers" of rights, there may be several different right owners from each of whom licenses are required.

For example, there may be a music publisher for the composition, a recording company for the recording of music, and often also the performers

For important licenses, it is advisable to obtain expert advice before negotiating the terms and conditions of your license agreement, even when a license is initially offered on the so-called standard terms and conditions. A competent licensing expert may help to negotiate the best licensing solution to meet your business needs.

How can your business reduce the risk of infringement?

Litigation for copyright infringement can be an expensive matter. Therefore, it would be wise to implement policies that help avoid infringement. The following are recommended:

- Σ Educate the staff employed by your company so that they are made aware of possible copyright implications of their work and actions;
- Σ Obtain written licenses or assignments, where needed, and ensure that staff are familiar with the scope of such licenses or assignments;
- Σ Mark any apparatus that could be used to infringe copyright (such as photocopiers, computers, CD and DVD burners) with a clear notice that the apparatus must not be used to infringe copyright;
- Σ Prohibit your staff explicitly from downloading any copyright-protected material from the Internet on office computers without authorization; and

Using Works Owned by Others

- Σ If your business makes frequent use of products protected by Technological Protection Measures (TPMs), develop policies to ensure that employees do not circumvent TPMs without authorization from the copyright owner, or do not exceed the scope of the authorization.

Every business should have a comprehensive policy for copyright compliance, which includes detailed procedures for obtaining copyright permission that are specific to its business and usage needs. Creating a culture of copyright compliance within your business will reduce your risk of copyright infringement.

Summary Checklist

- Σ Maximize your copyright protection. Register your works with the national copyright office, where such voluntary copyright registration is available. Put a copyright notice on your works. Employ digital rights management tools to protect digital works.
- Σ Ascertain copyright ownership. Have written agreements with all employees, independent contractors and other persons to address the question of ownership of copyright in any works that are created for your company.
- Σ Avoid infringement. If your product or service includes any material that is not entirely original to your company, find out whether you need permission to use such material and, where needed, get prior permission.
- Σ As a rule of thumb, get the most out of your copyright. License your rights, rather than selling them. Grant specific and restrictive licenses, so as to tailor each license to the particular needs of the licensee.



Enforcing Copyright

7 Enforcing Copyright

When is your copyright infringed?

Under the Copyright Ordinance, a copyright will be considered to have been infringed in any of the following cases:

- (i) When any person without the consent of the owner of the copyright or without a license granted by the Registrar (see compulsory license, Page 15) or in contravention of any of the provisions of the license does anything which only the owner of copyright has the exclusive right to do;
- (ii) When any person permits for profit his place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work; or
- (iii) When any person:
 - Σ makes for sale or hire;
 - Σ sells or lets for hire;
 - Σ by way of trade displays or offers for sale or hire;
 - Σ distributes either for the purpose of trade to such an extent as to affect prejudicially the owner of the copyright;
 - Σ by way of trade exhibits in public; or
 - Σ imports into Pakistan
 - Σ any infringing copies of the work.

These are infringements of economic rights. However, the above acts will not be considered as infringement if they fall within the legal exceptions.

There may be copyright infringement, even if only a part of a work is used. An infringement will generally occur where a "substantial part" - that is an important, essential or distinct part is used in one of the ways exclusively reserved to the copyright owner. So, both the quantity and quality matter. There are some instances given in the exceptions provided in the Copyright Ordinance, other than that there is no general rule on how much of a work may be used without infringing copyright. The question will be determined on a case-by-case basis, depending on the actual facts and circumstances of each case.

The moral rights in a work may also be infringed in cases where someone distorts, mutilates or modifies the said work, or takes any other action in relation to the said work which would be prejudicial to the author's honor or reputation.

There may also be a (copyright or independent) infringement if someone makes, imports, or commercially deals in devices that circumvent technological protection measures that you have put in place to protect your copyright content against unauthorized uses. Moreover, there may be infringement if someone removes or alters rights management information that you have attached to a copyright work.

One single act may violate the rights of many right holders. For example, it is an infringement of the right in the broadcast to sell tapes of broadcast programs. Of course, this action would also infringe the copyright

Enforcing Copyright

of the composer of the music and the record company, which produced the original recording. Each right holder may take separate legal actions to stop this act.

What should you do if your rights are likely to be or have been violated? The burden of enforcing copyright and related rights falls mainly on the right owner. It is up to you to identify any violation of your rights and to decide what measures should be taken to enforce your rights.

A copyright lawyer or law firm would provide information on the existing options and help you to decide if, when, how and what legal action to take against infringers, and also how to settle any such dispute through litigation or otherwise. Make sure that any such decision meets your overall business strategy and objectives.

If your copyright is infringed, then you may begin by sending a letter (called a "Legal Notice / cease and desist letter") to the alleged infringer informing him/her of the possible existence of a conflict. It is advisable to seek the help of a lawyer to write this letter. If someone has infringed your copyright on the Internet, you may have the option:

- Σ To send a special cease and desist letter to an Internet Service Provider (ISP) requesting that the infringing content be removed from the website or that access to it be blocked ('notice and take-down');
- Σ To notify the ISP, which in turn notifies

its clients of the alleged infringement and thereby facilitates resolution of the issue ('notice and notice' approach).

If the infringement continues or you decide not to give an infringer a notice, you will have following remedies open to you under the Copyright Ordinance:

- 1) Civil Remedies
Where copyright in any work has been infringed, you will be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right. However, if the defendant proves that at the date of the infringement he was not aware that copyright subsisted in the work, you will be entitled only to injunction restraining the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies.
- 2) Criminal Remedies
Most of the infringements constitute offences under the Copyright Ordinance and you may file an application for registration of a case against the infringer under the relevant provisions of the Ordinance with the Police or the Magistrate first class. In addition, you may also report infringement caused or likely to be caused to your copyrighted work to the Police for seizure of all the copies of the work and all plates and recording equipments used for the purpose of

Enforcing Copyright

making infringed copies of the work, wherever found. The seized work or equipment is produced by the Police before the Magistrate as soon as practicable.

- 3) Special Remedies
Where copyright in any work has been infringed and you, for a sufficient cause, are unable to institute immediate regular legal proceedings, you 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 even though regular proceedings in the form of a suit or other civil proceedings have not yet been instituted by you. If the court is satisfied that delay would cause irreparable harm or may result in destruction of evidence, the court may pass an interim order without prior notice to the defendant.
- 4) Remedies with Custom Authorities
Copyright Ordinance also prohibits infringing copies of any work to be imported into or exported out of Pakistan either by sea, air, land or through any other means of channel of communication. You may file an application to officer of custom functioning under the Customs Act, 1969, who may detain any consignment intended to be imported into or exported out of Pakistan which is suspected to contain infringing copies of any work. A consignment so detained

will be examined by an officer of customs in the presence of the concerned parties and upon determination that such consignment contains infringing copies of any work the same shall be ordered to be confiscated and the importer or exporter thereof, as the case may be, shall be liable to such penalties as provided in this behalf in the Customs Act, 1969 (IV of 1969). For more information on customs authorities visit www.fbr.gov.pk

However, keep in mind that bringing legal proceedings against an infringer is advisable only if: (i) you can prove that you own the copyright in the work; (ii) you can prove infringement of your rights; and (iii) the value of succeeding in the legal action outweighs the costs of the proceedings.

What are your options for settling copyright infringement without going to a court?

In many instances, an effective way of dealing with infringement is through arbitration or mediation. Arbitration generally has the advantage of being a less formal, shorter and cheaper procedure than court proceedings, and an arbitral award is more easily enforceable internationally. An advantage of both arbitration and mediation is that the parties retain control of the dispute resolution process. As such, it can help to preserve good business relations with another enterprise with which your company may like to continue to collaborate or enter into a new licensing or cross-

Enforcing Copyright

licensing arrangement in the future. It is generally good practice to include mediation and/or arbitration clauses in licensing agreements. In Pakistan arbitrations are regulated under Arbitration Act, 1940. For more information on the concept of arbitration, see the website of the WIPO Arbitration and Mediation Center at: arbitr.wipo.int/center/index.html.

Annex I

Annex I

1. Intellectual Property Organization of Pakistan (IPO Pakistan)
Headquarter:
House No. 23, Street 87, Ataturk Avenue (West), Sector G-6/3, Islamabad - Pakistan.
Tel: +92-51-9208146
Fax: +92-51-9208157
Website: www.ipo.gov.pk
Email: info@ipo.gov.pk

IPO-Pakistan's Copyrights Registry provides following services to its clients with special focus on SMEs:

- Advice on Copyrights filing (detailed procedure of filing of applications for grant of Copyrights, different application forms for the purpose, etc. may be downloaded by visiting the IPO website at www.ipo.gov.pk);
- Processing of Copyrights registrations;
- Hearings of the applications;
- Organising seminars through out the country for providing information regarding the registration of Copyrights to the members of the Chambers that mostly comprise of small and medium enterprises;

IPO Pakistan Regional Office: Lahore
3rd Floor, Farid Tower,
19 Temple Road, Lahore,
Pakistan.
Tel: +92-42-37224395
Fax: +92-42-37224396
Email: lahore@ipo.gov.pk

Trademarks Registry
Registrar Trade Marks Registry
Plot No. CD-3, Behind KDA Civic Centre,
Gulshan-e-Iqbal Block- 14, Karachi.
Tel: +92-21-99230538
Fax: +92-21-99231001
Email: tmr@ipo.gov.pk

Patent Office
Controller of Patents & Designs
2nd Floor Kandawala Building,
M. A. Jinnah Road, Karachi.
Tel: +92-21-99215488
Fax: +92-21-99215489
Email: patent@ipo.gov.pk

Copyright Office
Registrar Central Copyright Office
Ground Floor, Liaquat Memorial Library
Building, National Stadium Road, Karachi.
Tel: +92-21-99230140
Fax: +92-21-99230140
Email: copyright@ipo.gov.pk

Annex I

2. Small and Medium Enterprises Development Authority (SMEDA)
6th Floor, L.D.A Plaza, Egerton Road, Lahore-54000
Tel: +92-42-111-111-456
Fax: (042) 36304926
Website: www.smeda.org.pk

In order to encourage and urge small companies to effectively use IP system for their business success, SMEDA is providing following services to SMEs:

a) IP Helpline:

SMEDA 'IP Helpline' assists SMEs on all forms of IPs including trademarks, patent, copyrights and industrial designs. SMEs may contact our regional legal services officers for solving their queries on IP matters.

b) Training Programs:

Keeping in view the information needs of SMEs, SMEDA conducts on regular basis IP awareness programs across Pakistan in collaboration with local chamber of commerce and industry, IPO Pakistan and Trade Association. Likewise, IP awareness programs are planned especially for small trade bodies in different regions for wider outreach.

PUNJAB
8th Floor, L.D.A Plaza,
Egerton Road
Lahore-54792
Tel: +92-42-111-111-456
Fax: (042) 36304926
Email: helpdesk@smeda.org.pk

SINDH
5th Floor, Bahria Complex 2,
M.T.Khan Road,
Karachi
Tel: (021) 111-111-456
Fax: (021) 35610572
Email: helpdesk-khi@smeda.org.pk

NWFP
Ground floor
State Life Building
The Mall, Peshawar
Tel: (091) 9213046-47
Fax: (091) 286908
Email: helpdesk-pew@smeda.org.pk

BALUCHISTAN
Bungalow No. 15-A
Chaman Housing Scheme
Airport Road, Quetta.
Tel: (081) 2831702/2831623
Fax: (081) 2831922
Email: helpdesk-qta@smeda.org.pk

Annex I

3. Useful Internet Links

World Intellectual Property Organization: www.wipo.int
WIPO's Division of Small and Medium-sized Enterprises: www.wipo.int/sme/en/
WIPO's Website on Copyright and Related Rights: www.wipo.int/copyright/en/index.html
WIPO's Website on Enforcement: www.wipo.int/enforcement/en/index.html

To buy publications from the WIPO electronic bookshop: www.wipo.int/ebookshop. These include:

- Guide on the Licensing of Copyright and Related Rights, publication no. 897
- Collective Management of Copyright and Related Rights, publication no. 855

To download free publications: www.wipo.int/publications. These include:

- Understanding Copyright and Related Rights, publication no. 909
- From Artist to Audience: How creators and consumers benefit from copyright and related rights and the system of collective management of copyright, publication no. 922
- Collective Management in Reprography, publication no. 924
- Directory of National Copyright Administrations:
www.wipo.int/news/en/links/addresses/cr/index.htm

4. International Non-Governmental Organizations

International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM; acronym derived from the original French name): www.biem.org
Business Software Alliance (BSA): www.bsa.org
International Confederation of Societies of Authors and Composers (CISAC; acronym from French name): www.cisac.org
International Federation of Film Producers Associations (FIAPF; acronym from French name): www.fiapf.org
International Federation of Reproduction Rights Organizations (IFRRO): www.ifrro.org
International Federation of the Phonographic Industry (IFPI): www.ifpi.org
Independent Music Companies Association (IMPALA): www.impalasite.org
International Publishers Association (IPA): www.ipa-uie.org
Software & Information Industry Association (SIIA): www.siia.net

Annex II

Annex II

Website Addresses of National Copyright Administrations

Algeria	www.onda@wissal.dz
Andorra	www.ompa.ad
Argentina	www2.jus.gov.ar/minjus/ssjyal/autor
Australia	www.ag.gov.au
Barbados	www.caipo.gov.bb
Belarus	vkudashov@belpatent.gin.by
	ncip@belpatent.gin.by
Belize	www.belipo/bz
Bosnia and Herzegovina	www.bih.nat.ba/zsmp
Brazil	www.minc.gov.br
Canada	www.cipo.gc.ca
China (Hong Kong -SAR)	www.info.gov.hk/ipd
Colombia	www.derautor.gov.co
Croatia	www.dziv.hr
Czech Republic	www.mkr.cz
Denmark	www.kum.dk
El Salvador	www.cnr.gob.sv
Finland	www.minedu.fi
Georgia	www.global-erty.net/saqpatenti
Germany	www.bmj.bund.de
Hungary	www.hpo.hu
Iceland	www.ministryofeducation.is
India	www.copyright.gov.in
Indonesia	www.dgip.go.id
Ireland	www.entemp.ie
Kyrgyzstan	www.kyrgyzpatent.kg
Latvia	www.km.gov.lv
Lebanon	www.economy.gov.lb
Lithuania	www.muza.lt
Luxembourg	www.etat.lu/EC
Malaysia	www.mipc.gov.my
Mexico	www.sep.gob.mx/wb2/sep/sep_459_indautor
Monaco	www.european-patent-office.org/patlib/country/monaco/
	www.ipom.mn
Mongolia	
New Zealand	www.med.govt.nz

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Niger	www.bnda.ne.wipo.net
Norway	www.dep.no/kd/
Peru	www.indecopi.gob.pe
Philippines	www.ipophil.gov.ph
Republic of Korea	www.mct.go.kr/english
Russian Federation	www.rupto.ru
Singapore	www.gov.sg/minlaw/ipos
	www.ipos.gov.sg/
Slovakia	www.culture.gov.sk
Slovenia	www.sipo.mzt.si/
Spain	www.mcu.es/Propiedad_Intelectual/indice.htm
Switzerland	www.ige.ch
Thailand	www.ipthailand.org
Turkey	www.kultur.gov.tr
Ukraine	www.sdip.gov.ua
	www.uacrr.kiev.ua
United Kingdom	www.patent.gov.uk
United States of America	www.loc.gov/copyright

Note: For up-to-date information visit website at the following url: www.wipo.int/directory

Annex III

Annex III

Summary of main international treaties on copyright and related rights

Pakistan is member of different multilateral treaties concerning copyrights including “Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character” and “Universal Copyright Convention” but these treaties are presently do not hold great significance. The two treaties that are most important in present times and of which Pakistan is a member are the following:

The Berne Convention for the Protection of Literary and Artistic Works (The Berne Convention) (1886)

The Berne Convention is the main international copyright treaty. The Berne Convention establishes, amongst other things, the rule of “national treatment,” meaning that in every country, foreign authors enjoy the same right as national authors. The Convention is currently in force in 164 countries. A list of contracting parties and the full text of the Convention are available at www.wipo.int/treaties/en/ip/berne/index.html

Agreement on Trade Related Aspects of Intellectual Property Rights (The TRIPS Agreement) (1994)

Aiming at harmonizing international trade hand in hand with effective and adequate protection of IP rights, the TRIPS Agreement was drafted to ensure the provision of proper standards and principles concerning the availability, scope and use of trade-related IP rights. At the same time, the Agreement provides means for the enforcement of such rights. The TRIPS Agreement is binding on all 149 members of the World Trade Organization. The text can be read at the website of the World Trade Organization http://www.wto.org/english/docs_e/legal_e/27-trips.doc

Annex IV

Annex IV

List of countries party to the Berne Convention For the Protection of Literary and Artistic Works

- | | |
|------------------------------|---|
| 1. Albania | 41. Czech Republic |
| 2. Algeria | 42. Democratic People's Republic of Korea |
| 3. Andorra | 43. Democratic Republic of the Congo |
| 4. Antigua and Barbuda | 44. Denmark |
| 5. Argentina | 45. Djibouti |
| 6. Armenia | 46. Dominica |
| 7. Australia | 47. Dominican Republic |
| 8. Austria | 48. Ecuador |
| 9. Azerbaijan | 49. Egypt |
| 10. Bahamas | 50. El Salvador |
| 11. Bahrain | 51. Equatorial Guinea |
| 12. Bangladesh | 52. Estonia |
| 13. Barbados | 53. Fiji |
| 14. Belarus | 54. Finland |
| 15. Belgium | 55. France |
| 16. Belize | 56. Gabon |
| 17. Benin | 57. Gambia |
| 18. Bhutan | 58. Georgia |
| 19. Bolivia | 59. Germany |
| 20. Bosnia and Herzegovina | 60. Ghana |
| 21. Botswana | 61. Greece |
| 22. Brazil | 62. Grenada |
| 23. Brunei Darussalem | 63. Guatemala |
| 24. Bulgaria | 64. Guinea |
| 25. Burkina Faso | 65. Guinea-Bissau |
| 26. Cameroon | 66. Guyana |
| 27. Canada | 67. Haiti |
| 28. Cape Verde | 68. Holy See |
| 29. Central African Republic | 69. Honduras |
| 30. Chad | 70. Hungary |
| 31. Chile | 71. Iceland |
| 32. China | 72. India |
| 33. Colombia | 73. Indonesia |
| 34. Comoros | 74. Ireland |
| 35. Congo | 75. Israel |
| 36. Costa Rica | 76. Italy |
| 37. Côte d'Ivoire | 77. Jamaica |
| 38. Croatia | 78. Japan |
| 39. Cuba | 79. Jordan |
| 40. Cyprus | |

Annex IV

- | | |
|--------------------------------------|--|
| 80. Kazakhstan | 123. Romania |
| 81. Kenya | 124. Russian Federation |
| 82. Kyrgyzstan | 125. Rwanda |
| 83. Latvia | 126. Saint Kitts and Nevis |
| 84. Lebanon | 127. Saint Lucia |
| 85. Lesotho | 128. Saint Vincent and the Grenadines |
| 86. Liberia | 129. Saudi Arabia |
| 87. Libyan Arab Jamahiriya | 130. Samoa |
| 88. Liechtenstein | 131. Senegal |
| 89. Lithuania | 132. Serbia |
| 90. Luxembourg | 133. Singapore |
| 91. Madagascar | 134. Slovakia |
| 92. Malawi | 135. Slovenia |
| 93. Malaysia | 136. South Africa |
| 94. Mali | 137. Spain |
| 95. Malta | 138. Sri Lanka |
| 96. Mauritania | 139. Sudan |
| 97. Mauritius | 140. Suriname |
| 98. Mexico | 141. Swaziland |
| 99. Micronesia (Federated States of) | 142. Sweden |
| 100. Monaco | 143. Switzerland |
| 101. Mongolia | 144. Syrian Arab Republic |
| 102. Montenegro | 145. Tajikistan |
| 103. Morocco | 146. Thailand |
| 104. Namibia | 147. The former Yugoslav Republic of Macedonia |
| 105. Nepal | 148. Togo |
| 106. Netherlands | 149. Tonga |
| 107. New Zealand | 150. Trinidad and Tobago |
| 108. Nicaragua | 151. Tunisia |
| 109. Niger | 152. Turkey |
| 110. Nigeria | 153. Ukraine |
| 111. Norway | 154. United Arab Emirates |
| 112. Oman | 155. United Kingdom |
| 113. Pakistan | 156. United Republic of Tanzania |
| 114. Panama | 157. United States of America |
| 115. Paraguay | 158. Uruguay |
| 116. Peru | 159. Uzbekistan |
| 117. Philippines | 160. Venezuela |
| 118. Poland | 161. Vietnam |
| 119. Portugal | 162. Yemen |
| 120. Qatar | 163. Zambia |
| 121. Republic of Korea | 164. Zimbabwe |
| 122. Republic of Moldova | |

(Total: 164 States) Note: For up-to-date information visit website at the following url: www.wipo.int/treaties/en/ip/berne

Annex V

Annex V

FORM II

APPLICATION FOR REGISTRATION OF COPYRIGHTS SEE RULE 4 (I)]

To
The Registrar of Copyrights,
Copyright Office,
KARACHI.

Sir,

In accordance with section 39 of the Copyright Ordinance, 1962 (XXXIV of 1962), I/We hereby apply for registration of copyright and request that entries may be made in the Register of Copyrights as in the enclosed statement of particulars sent herewith in triplicate.

*I also send herewith duly completed the statement of further particulars relating to the work.

2. In accordance with sub-rule (3) of Rule 4 of the copyright rules, 1967, I/We have sent by hand pre-paid registered post copies of this letter and of the enclosed statement(s) to the other parties **concerned as shown below:-

NAME AND ADDRESS OF THE PARTIES

DATE OF DESPATCH

3. The prescribed fee has been paid, as per details below:-
4. Communication on the subject may be addressed to:-

List of enclosures:-

Yours faithfully

Place: _____

Dated: _____

(Signature)

Annex V

*STATEMENT OF PARTICULARS (TO BE SENT IN TRIPLICATE)

*For Literary, Dramatic, Musical and Artistic Works only.

**See entries 7, 11, 12 and 13 of the statement of particulars and the party referred to in entry 2(e) of the statement of further particulars.

Pay order/D.D. in favour of "DIRECTOR GENERAL IPO-PAKISTAN"

STATEMENT OF PARTICULARS

To be sent in triplicate)

1. Registration Number (to be filled in the Copyright office)
2. Name, Address and Nationality of the applicant.

3. Nature of the applicant's interest in the Copyright of the work. _____
4. Class and description of the work and year of creation.

5. Title of the work. " _____ "
6. Language of the work. _____
7. Name, address and nationality of the author and if the author is dead, the date of his death: _____
8. Whether work is published or unpublished. _____
9. Year and country of first publication and name, address and nationality of the publisher. _____
10. Year and countries of subsequent publications, if any and names addresses and nationalities of the publishers. _____

Annex V

11. Names, Addresses and Nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights, held by each, together with particulars of assignment and licenses, if any. _____

12. Names, Addresses and Nationalities of the other persons, if any authorized to assign or license the rights comprising the copyrights. _____

13. If the work is an artistic work, the location of the original work, including name, address and nationality of the person in possession of the work (in the case of an architectural work the year of completion of the work should also be mentioned).

14. Remarks, if any; _____

Place: _____

Dated: _____

(Signature)

Annex V

STATEMENT OF FURTHER PARTICULARS

(For Literary, Dramatic, Musical and Artistic works Only)
(To be sent in Triplicate)

1. If the work is to be registered, whether the work is :-
 - (a) an original work? _____
 - (b) a translation of a work in the public domain? _____
 - (c) a translation of a work in which Copyright subsists? _____
 - (d) an adaptation of a work in public domain? _____
 - (e) an adoption of work in which Copyright subsists? _____
2. If the work is a translation or adaptation of a work in which Copyright subsists:-
 - (a) Title of the original work; _____
 - (b) Language of the original work; _____
 - (c) Name, address and nationality of the author of this original work and if the author is dead, the date of his death; _____

 - (d) Name, address and nationality of the publisher, if any of the work; _____

 - (e) Particulars of the authorization for a translation or adaptation including the name, address and nationality of the party authorizing; _____

3. Remarks, if any; _____

Place: _____

Dated: _____

(Signature)

NOTE:

For further information on the other business-oriented content and publications on intellectual property rights please visit WIPO's SME website at www.wipo.int/sme/en/. In addition, you may also subscribe to the free electronic monthly newsletter of the SMEs Division of WIPO, available at www.wipo.int/sme/en/documents/wipo_sme_newsletter.html. Recent activities on IP matters by SMEDA are available at www.smeda.org/services/Intellectual-Property-for-Bussines-Success.html

For more information contact

Small and Medium Enterprises Development Authority (SMEDA)

SMEDA Head Office:

6th Floor, L.D.A Plaza, Egerton Road, Lahore-54000

Tel: 042-111-111-456

Fax: (042) 36304926

Website: www.smeda.org.pk

Intellectual Property Organization of Pakistan (IPO Pakistan)

IPO Pakistan Headquarter:

House No. 23, Street 87, Ataturk Avenue (West), Sector G-6/3, Islamabad

Tel: +92-51-9208146 Fax: +92-51-9208157

Website: www.ipo.gov.pk Email: info@ipo.gov.pk

World Intellectual Property Organization (WIPO)

34, Chemin des Colombettes

CH-1211 Geneva 20

Switzerland

Telephone: +41 22 338 91 11

Fax: +41 22 733 54 28

e-mail: wipo.mail@wipo.int

or its New York Coordination Office at:

2, United Nations Plaza

Suite 2525

New York, N.Y. 10017

United States of America

Telephone: +1 212 963 6813

Fax: +1 212 963 4801

e-mail: wipo@un.org

Visit the WIPO website at: www.wipo.int

or its SMEs Division at:

34, chemin des Colombettes

P.O. Box 18

CH-1211 Geneva 20

Switzerland

Fax: +41 22 338 87 60

e-mail: sme@wipo.int

Web page: www.wipo.int/sme

Available at SMEDA Head Office and downloadable from

www.smeda.org/services/Intellectual-Property-for-Bussines-Success.html

and the WIPO Electronic Bookshop at www.wipo.int/ebookshop

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