COPYRIGHT

Copyright is a legal concept enacted by most national governments, that gives the creator of an original

work exclusive rights to it, usually for a limited period of time. At its most general, it is literally "the right

to copy", but also gives the copyright holder the right to be credited for the work, to determine who (if

anyone) can perform it or adapt it to other forms, to benefit financially from the work, and other related

rights. It is one form of intellectual property (distinct from patents, trademarks, and trade secrets), and

applies to any particular expression of an idea or information, which is substantial and self-contained in a

fixed form.

The symbol for copyright is "©". (The letter C inside parentheses – "(c)" – although a common practice

has never been legally recognized as a symbol for copyright.)

Scope

Copyright may apply to a wide range of creative, intellectual, or artistic forms or "works". These include

poems, theses, plays, and other literary works, movies, choreographic works (dances, ballets, etc.),

musical compositions, audio recordings, paintings, drawings, sculptures, photographs, software, radio and

television broadcasts of live and other performances, and, in some jurisdictions, industrial designs.

Graphic designs or industrial designs may have separate or overlapping laws applied to them in some

jurisdictions. Copyright is one of the concepts covered by the umbrella term intellectual property.

Copyright does not cover ideas or information themselves, only the form or manner in which they are

expressed. For example, the copyright to a Mickey Mouse cartoon restricts others from making copies of

the cartoon or creating derivative works based on Disney's particular anthropomorphic mouse, but doesn't

prohibit the creation of other works about anthropomorphic mice in general, so long as they are different

enough to not be judged copies of Disney's. In many jurisdictions, copyright law makes exceptions to

these restrictions for the purpose of commentary and other related uses (See Fair Use, Fair Dealing).

Other laws may impose legal restrictions which copyright does not - such as trademarks and patents.

Copyright laws are standardized somewhat through international conventions such as the Berne

Convention which have been ratified by most countries, and are required by international organizations

such as European Union or World Trade Organization from their member states.

The legislative acts which originally established copyright law as it is known today cited two fundamental

justifications for it:

1) To benefit society by promoting the creation of new works, and

2) to protect the moral rights of the creators of these works.

History

Copyright was invented after the advent of the printing press and with wider public literacy. As a legal

concept, its origins in Britain were from a reaction to printers' monopolies at the beginning of the

eighteenth century. Charles II of England was concerned by the unregulated copying of books and used

the royal prerogative to pass the Licensing Act of 1662, which established a register of licensed books and

required a copy to be deposited with the Stationers Company, essentially continuing the licensing of

material that had long been in effect. The Statute of Anne was the first real copyright act, and gave the

publishers rights for a fixed period, after which the copyright expired. Copyright has grown from a legal

concept regulating copying rights in the publishing of books and maps to one with a significant effect on

nearly every modern industry, covering such items as sound recordings, films, photographs, software, and

architectural works.

The Berne Convention

The 1886 Berne Convention first established recognition of copyrights among sovereign nations, rather

than merely bilaterally. Under the Berne Convention, copyrights for creative works do not have to be

asserted or declared, as they are automatically in force at creation: an author need not "register" or "apply

for" a copyright in countries adhering to the Berne Convention. As soon as a work is "fixed", that is, written or recorded on some physical medium, its author is automatically entitled to all copyrights in the

work, and to any derivative works unless and until the author explicitly disclaims them, or until the

copyright expires. The Berne Convention also resulted in foreign authors being treated equivalently to

domestic authors, in any country signed onto the Convention.

The UK signed the Berne Convention in 1887 but did not implement large parts of it until 100 years later

with the passage of the Copyright, Designs and Patents Act of 1988. The USA did not sign the Berne

Convention until 1989.

The regulations of the Berne Convention are incorporated into the World Trade Organization's TRIPS

agreement, thus making the Berne Convention practically world-wide.

Definition of 'Copyright' Under The Laws of Pakistan

Copyright is a form of protection provided to the authors of "original works of authorship," including

literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to

both published and unpublished works.

Registration Procedure of Copyrights in Pakistan

Who is authorized to claim copyright in Pakistan?

Copyright as a work of authorship immediately becomes the property of the author who created the work.

Only the author or those deriving their rights through the author can rightfully claim copyrights.

In the case of a work prepared by an employee within the scope of his or her employment; the employer

and not the employee is considered to be the author, if the parties expressly agree in a written instrument

signed by them that the work shall be considered a work made for hire.

The authors of a joint work are co-owners of the copyrights in the work, unless there is an agreement to

the contrary.

What works are copyrightable in Pakistan?

Copyrightable works include the following categories:

1. literary works

2. musical works, including any accompanying words

3. dramatic works, including any accompanying music

4. pictorial, graphic, and sculptural works

5. motion pictures and other audiovisual works

6. sound recordings

7. architectural works

Whether registration of copyrights in Pakistan is a compulsory requirement for protection of

copyrightable works?

Registration of a copyright is Pakistan is not a compulsory requirement for protection of such

copyrightable works in Pakistan. Copyright is secured automatically when the work is created, and a work

is "created" when it is fixed in a copy or phonorecord for the first time. There are, however, certain

definite advantages to registration. Registration, however, establishes prima facie evidence in a Court of

Law of the validity of the copyrights and of the facts stated in the certificate.

Copyright Protection in Pakistan

In Pakistan, copyright protection is governed by the provisions of the Copyright Ordinance, 1962 ("the

Ordinance") which is modeled on the English Act of 1914. Pakistan is a member of Berne Copyright

Union and the Universal Copyright Convention.

Recent Developments

One of the most significant developments in relation to the protection of copyright in Pakistan is the

recent promulgation of the Copyright (Amendment) Act, 1992 ("the Amendment Act"). Copyright

protection originally available to literary, dramatic, musical, artistic, cinematographic and architectural

works, books, photographs, newspapers, engravings, lectures, records (defined as "any disc, tape, wire,

perforated roll or other device in which sounds are embodied so as to be capable of being reproducedtherefore, other than a sound track associated with a cinematographic work") and sculptures is now

extended to computer software, periodicals, video films and all kind of audio-visual works.

The Ordinance now provides stiffer penalties for offenders and better compensation to the persons whose

rights have been infringed. The manner in which the copyright is breached has also been extended.

Entirely new offences have been created through the Amendment Act which, inter alia, include penalties

for publishing collections or compendiums of work (the Ordinance defines "work" to include literary,

dramatic, musical, artistic, cinematographic works and a record) which have been adapted, translated or

modified in any manner without the authority of the owner of the copyright.

Section 37 of the Ordinance has been amended to restrict granting of licenses to produce and publish

translation of a literary or dramatic work in English, French or Spanish, hence an applicant requesting the

grant of license, upon granting of the license and payment of prescribed royalty to the author, can produce

and publish translation of a literary or dramatic work in any Pakistani language or any language not being

English, French or Spanish.

Foreign Authors

The Ordinance has distinct provisions for Pakistani and foreign works. Section 6(1) provides that a work

published in Pakistan shall be deemed to be first published in Pakistan, notwithstanding that it has been

published simultaneously in some other country, unless such other country provides a shorter term of

copyright for such work; and a work is deemed to be published simultaneously in Pakistan and in another

country if the time between the publication in Pakistan and the publication in such country does not

exceed thirty days. Section 8 entitles a body corporate to be considered domiciled in Pakistan if it is

incorporated under any law in force in Pakistan or it has an established place of business in Pakistan.

Although the Ordinance has provisions for granting compulsory licenses, nevertheless, such a license can

only be acquired for Pakistani work and no compulsory license can be granted for any work whose author

in not a citizen of Pakistan or whose `record' is not manufactured in Pakistan.

Duration of Copyright

The period of copyright of a literary, dramatic, musical or artistic work (other than a photograph) is the

life of the author and 50 years thereafter. In the case of a cinematographic work and a photograph,

copyright subsists until 50 years from the beginning of the calendar year from publication of the work.

Infringement of Copyright

The act of copying of work, which is entitled to copyright protection, by any method, either directly or

with the aid of a machine or device constitutes an infringement of the copyright in the work. Section 56 of

the Ordinance provides that copyright in a work shall be deemed to be infringed in the following cases:-

(a) when any person without the consent of the owner of the copyright or without a license granted by

such owner or the Registrar under the Ordinance or in contravention of the conditions of a license so

granted or of any condition imposed by a competent authority under the Ordinance:-

(I) does anything the exclusive right to do which is by this Ordinance conferred upon the owner of the

copyright; or

(ii) permits for profit any place to be used for the performance of the work in public where such

performance constitutes an infringement of the copyright in the work unless he was not aware and had no

reasonable ground for suspecting, that such performance would be an infringement of the copyright, or

(b) When any person:-

(I) makes for sale or hire or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) Distributes either for the purpose of trade to such as extent as to affect prejudicially the owner of the

copyright, or

(iii) by way of trade exhibits in public, or

(IV) imports into Pakistan, any infringing copies of the work. THE COPYRIGHT ORDINANCE, 1962

An Ordinance to amend and consolidate the law relating to copyright.

1. Short title, extent and commencement

(1) This Ordinance may be called the Copyright Ordinance, 1962.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Federal Government may, by notification in the official

Gazette, appoint.

2. Definitions.

In this Ordinance, unless there is anything repugnant in the subject or context:-

(a) "Adaptation" means:-

(i) In relation to a dramatic work, the conversion of the work into a non-dramatic work;

(ii) In relation to a literary work or an artistic work, the conversions of the work into a dramatic work by

way of performance in public or otherwise.

(iii) In relation to a literary or dramatic work, any abridgment of the work or any version of the work in

which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for

reproduction in a book, or in a newspaper, magazine or similar periodical; and

(iv) In relation to a musical work, any arrangement or transcription of the work;

(b) "Architectural work of art" means any building or structure having an artistic character or design, or

any model for such building or structure;

(c) "Artistic" work' means.-

(i) A painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a

photograph, whether or not any such work possesses artistic quality;

(ii) An architectural work of art; and

(iii) Any other work or artistic craftsmanship;

"audio-visual work" means a work which consists of a series of related images which are intrinsically

intended to be shown by the use of a machine or device, such as a projector, viewer or electronic

equipment, together with accompanying sound, if any, regardless of the nature of the material object, such

as film or tape, in which the work is embodied

(d) "Author" means.-

(i) In relation to a literary or dramatic work, the author of the work;

(ii) In relation to a musical work, the composer;

(iii) In relation to an artistic work other than a photograph, the artist;

(iv) In relation to a photograph, the person taking the photograph;

(v) In relation to a cinematographic work, the owner of the work at the time of its completion; and

(vi) In relation to a record, the owner of the original plate from which the record is made, at the time of

the making of the plate;

(e) "Board" means the Copyright Board constituted under section 45;

(f) "book" includes every volume, or division of a volume, and pamphlet, in any language, and every

sheet of music, map, chart or plan, separately printed or lithographed, but does not include a periodical or

newspaper;

(g) "Calendar year" means the year commencing on the first day of January;

(h) "Cinematographic work" means any sequence of visual images including video films of every kind,

recorded on material of any description (whether translucent or not), whether silent or accompanied by

sound, which, if shown (played back, exhibited) conveys the sensation of motion;

"copy" includes any material object in which a work is fixed by any method and from which the work

can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or

device;

“counterfeit copy" means a copy which is an imitation of another copy and appears to be, but is not,GENUINE

(i) "Delivery" in relation to a lecture, includes delivery by means of any mechanical instrument or by

broadcast or telecast;

(j) "dramatic work" 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;

(k) "Engravings" include" etchings, lithographs, woodcuts, prints and other similar works, not being

photographs;

(l) "Exclusive license" means a license which confers on the licensee or on the licensee and persons

authorized by him, to the exclusion of all other persons (including the owner of the copyright), any right

comprised in the copyright in a work and "exclusive licensee" shall be construed accordingly;

(m) "Government work" means a work which is made or published by or under the direction or control

of-

(i) The Government or any department of the Government; or

(ii) Any court, tribunal or other judicial or legislative authority in Pakistan;

(n) "Infringing copy" means,-

(i) In relation to a literary, dramatic or artistic work, reproductions thereof otherwise than in the form of a

cinematographic work;

(ii) In relation to cinematographic work, a copy of the work or a record embodying the recording in any

part of the sound track associated with the film;

(iii) In relation to a record, any record, embodying the same recording; and

(iv) In relation to a programme in which a broadcast reproduction right subsists under section 24, a record

recording the programme:

If such reproduction, copy or record is made or imported in contravention of any of the provision of this

Ordinance;

(o) "Lecture" includes address, speech and sermon;

(p) "literary work" includes works on humanity, religion, social and physical sciences, tables

"compilations and computer programmes, that is to say programmes 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"

(q) "Manuscript" means the original document embodying the work, whether written by hand or not;

(r) "Musical work" means any combination of melody and harmony or either of them, printed, reduced to

writing or otherwise graphically produced or reproduced;

(s) "newspaper" means any printed periodical work containing public news or comments on public news

published in conformity with the provisions of sections 5, 6, 7 and 8 of the West Pakistan Press and

Publications Ordinance, 1963 (W.P.Ordinance No.XXV of 1963)]

(t) "Pakistani work" means a literary, dramatic musical or artistic work, the author of which is a citizen of

Pakistan and includes a cinematographic work or record made or manufactured in Pakistan;

(u) "Performance" includes any mode of visual or acoustic presentation; including any such presentation

by the exhibition of a cinematographic work, or by means of broadcast or by the use of a record, or by

any other means and, in relation to a lecture, includes the delivery of such lecture;

(v) "performing rights society" means a society, association or other body, whether incorporated or not,

which carries on in Pakistan the business of issuing or granting licenses for the performance in Pakistan

of any works in which copyright subsists;

(va) "Periodical" includes a publication with distinctive title intended to appear in successive numbers or

in parts at regular or irregular intervals and, as a rule, for an indefinite time, each part generally

containing articles by several contributors;

(w) "Photograph" includes photo-lithograph and any work produced by any process analogous to

photography but does not include any part of a cinematographic work;

(x) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative, tape,

wire, optical film, or other device used or intended to be used for printing or reproducing copies of any

work, and any matrix or other appliances by which records for the acoustic presentation of the work are or

are intended to be made;

(y) "Prescribed" means prescribed by rules made under this Ordinance; (z) "Public libraries" means the National Library of Pakistan, Islamabad, and such other libraries as may

be so declared by the Federal Government by Notification in the official Gazette;

(za) "Radio diffusion" includes communication to the public by any means of wireless diffusion whether

in the form of sounds or visual images or both;

(zb) "record" means any disc, tape, wire, perforated roll or other device in which sounds are embodied so

as to be capable of being reproduced therefrom, other than a sound track associated with a

cinematographic work;

(zc) "Recording" means the aggregate of the sounds embodied in and capable of being reproduced by

means of a record;

(zd) "reproduction" in the case by a literary, dramatic or musical work, includes a reproduction in the

form of a record or of a cinematographic work, and, in the case of an artistic work, includes a version

produced by converting the work into a three-dimensional form, or if it is in three dimensions, by

converting it into a two dimensional form and references to reproducing a work shall be construed

accordingly;

(ze) "Registrar" means the Registrar of Copyrights appointed under section 44 and includes a Deputy

Registrar of Copyrights when discharging any function of the Registrar;

(zf) "Work" means any of the following works, namely:-

(i) A literary, dramatic, musical or artistic work;

(ii) A cinematographic work;

(iii) a record;

(zg) "work of joint authorship" means a work produced by the collaboration of two or more authors in

which the contribution of one author is not distinct from the contribution of the other author or authors;

and

(zh) "Work of sculpture" includes casts and models.

3. Meaning of Copyright.

1. For the purpose of this Ordinance, "copyright" means the exclusive right, by virtue of, and subject to

the provisions of this Ordinance.-

(a) In the case of a literary, dramatic or musical work, to do and authorize the doing of any of the

following acts, namely:-

(i) To reproduce the work in any material form;

(ii) To publish the work;

(iii) To perform the work in public;

(iv) To produce, reproduce, perform or publish any translation of the work;

(v) To use the mark in a cinematographic work or make a record in respect of the work;

(vi) To broadcast the work, or to communicate the broadcast of the work to the public by a loudspeaker or

any other similar instrument;

(vii) To make any adaptation of the work;

(viii) To do in relation to translation or an adaptation of the work any of the acts specified in relation to

the work in sub-clauses (i) to (vi);

(b) In the case of an artistic work, to do or authorize the doing of any of the following acts, namely:-

(i) To reproduce the work in any material form;

(ii) To publish the work;

(iii) To use the work in a cinematographic work;

(iv) To show the work in television;

(v) To make any adaptation of the work;

(vi) To do in relation to an adaptation of the work any of the acts specified in relation to the work in subclauses (i) to (iv);

(c) In the case of a cinematographic work, to do or authorize the doing of any of the following acts,

namely:-

(i) To make a copy of the work;

(ii) To cause the work in so far as it consists of visual images, to be seen in public and, in so far as it

consists of sounds, to be heard in public; (iii) To make any record embodying the recording in any part of the sound track associated with the work

by utilizing such sound track;

(iv) To broadcast the work;

(d) In the case of a record, to do or authorize the doing of any of the following acts by utilizing the record,

namely:-

(i) To make any other record embodying the same recording;

(ii) To use the recording the sound track of a cinematographic work;

(iii) To cause the recording embodied in the record to be heard in the public;

(iv) To communicate the recording embodied in the record by broadcast.

(2) Any reference in sub-section (1) to the doing of any act in relation to a work or a translation or an

adaptation thereof shall include a reference to the doing of that act in relation to a part thereof.

4. Meaning of publication.

(1) For the purposes of this Ordinance, "publication" means,-

(a) In the case of a literary, dramatic, musical or artistic work, the issue of copies of the work to the public

in sufficient quantities;

(b) In the case of cinematographic work, the sale or hire or offer for sale or hire of the work or copies

thereof to the public;

(c) In the case of a record, the issue of records to the public in sufficient quantities; but does not, except as

otherwise expressly provided in this Ordinance, include,-

(i) In the case of a literary, dramatic or musical work the issue of any records recording such work;

(ii) In the case of work of sculpture or an architectural work of art, the issue of photographs and

engravings of such work.

(2) If any question arises under sub-section (1) whether copies of any literary, dramatic, musical or artistic

work, or records issued to the public are sufficient in quantities, it shall be referred to the Board whose

decision thereon shall be final.

5. When work not deemed to be published or performed in public.

Except for the purposes of infringement of copyright, a work shall not be deemed to be published or

performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed

in public or delivered in public, without the license or consent of the owner of the copyright.

6. When work deemed to be first published in Pakistan.

(1) For the purposes of this Ordinance, a work published in Pakistan, shall be deemed to be first published

in Pakistan, notwithstanding that it has been published simultaneously in some other country, unless such

other country provides a shorter term of copyright for such work; and a work shall be deemed to be

published simultaneously in Pakistan and in another country if the time between the publication in

Pakistan and the publication in such other country does not exceed thirty days.

(2) If any question arises under sub-section (1) whether the term of copyright for any work is shorter in

any other country than that provided in respect of that work under this Ordinance, it shall be referred to

the Board whose decision thereon shall be final.

7. Nationality of author where the making of unpublished work is extended over considerable

period.

Where in the case of an unpublished work, the making of the work is extended over a considerable period,

the author of the work shall for the purposes of this Ordinance, be deemed to be a citizen of, or domiciled

in, the country of which he was a citizen or wherein he was domiciled during the major part of that

period.

8. Domicile of corporations.

For the purposes of this Ordinance, a body corporate shall be deemed to be domiciled in Pakistan if it is

incorporated under any law in force in Pakistan or if it has an established place of business in Pakistan. Copyright, ownership of copyright and the rights of the owner.

9. No copyright except as provided in this Ordinance.

No person shall be entitled to copyright or any similar right in any work, whether published or

unpublished, otherwise than under and in accordance with the provisions of this Ordinance, or of any

other law for the time being in force, but nothing in this section shall be construed as abrogating any right

or jurisdiction to restrain a breach of trust or confidence.

10. Works in which copyright subsists.

(1) Subject to the provisions of this section and to the other provisions of this Ordinance, copyright shall

subsist throughout Pakistan in the following classes of works, that is to say,-

(a) Original, literary, dramatic, musical and artistic works;

(b) Cinematographic works; and

(c) Records.

(2) Copyright shall not subsist in any work specified in subsection (1), other than a work to which the

provisions of section 53 or section 54 apply, unless,-

(i) In the case of a published work, the work is first published in Pakistan, or where the work is first

published outside Pakistan, the author is at the date of such publication, or in a case where the author was

dead at that date, was at the time of his death, a citizen of Pakistan or domiciled in Pakistan.

(ii) in the case of an unpublished work other than an architectural work of art, the author is at the date of

the making of the work a citizen of Pakistan or domiciled in Pakistan; and

(iii) In the case of an architectural work of art, the work is located in Pakistan.

[(2A) Copyright shall not subsist in any work referred to in sub-section (2) as respects its reprint,

translation, adaptation or publication, by or under the authority of the Federal Government as text-book

for the purposes of teaching, study or research in educational institutions.]

(3) Copyright shall not subsist,-

(a) in any cinematographic work, if a substantial part of the work is an infringement of the copyright in

any other work;

(b) 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.

(4) The copyright or the lack of copyright in a cinematographic work or a record shall not affect the

separate copyright in any work in respect of which or a substantial part of which, the work, or, as the case

may be, the record is made.

(5) In the case of an architectural work of art, copyright shall subsist only in the artistic character and

design and shall not extend to the processes or methods of construction.

11. Work of joint authors.

Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the

conditions conferring copyright laid down by this Ordinance, the work shall be treated for the purposes of

this Ordinance as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had

satisfied such conditions.

12. Provision as to designs registrable under Act II of 1911.

(1) Copyright shall not subsist under this Ordinance in any design which is registered under the Patents

and Designs Act, 1911,

(2) Copyright in any design which is capable of being registered under the Patents and Designs Act, 1911,

but which has not been so registered, shall cease as soon as any article to which the design has been

applied has been reproduced more than fifty times by an industrial process by the owner of the copyright

or, with his license, by any other person.

13. First owners of copyright.

Subject to the provisions of this Ordinance, the author of a work shall be the first owner of the copyright

therein: (a) in the 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 under a contract of service or

apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said

proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the

work in so far as the copyright relates to the publication of the work in any newspaper, magazine or

similar periodical, 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;

(b) subject to the provisions of clause (a), in the 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;

(c) in the case of a work made in the course of the author's employment under a contract of service or

apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any

agreement to the contrary be the first owner of the copyright therein;

(d) In the case of a Government work, Government shall, in the absence of any agreement to the contrary,

be the first owner of the copyright therein;

(e) In the case of a work to which the provisions of section 53 apply, the international organization

concerned shall be the first owner of the copyright therein.

14. Assignment of copyright.

(1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future

work may assign to any person the copyright either wholly or partially and either generally or subject to

limitations and either for the whole term of the copyright or any part thereof:

Provided that, in the case of the assignment of copyright in any future work, the assignment shall take

effect only when the work comes into existence:

Provided further that, 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 shall be made, or if made shall be

effective (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 beginning from the calendar year

next following the year in which the assignment is made ; if an assignment of the copyright in a work is

made in contravention of this proviso, the copyright in the work shall, on the expiry of the period

specified in this proviso, revert to the author (who may re-assign the copyright in the work subject to the

provisions herein contained), or if the author be dead to his representatives in interest.

Provided further that the copyright in an unpublished work assigned by its author to any person or

organization for the specific purpose of its publication shall revert to the author if such work is not

published within a period of three years from the date of its assignment;

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the

assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be

treated for the purposes of this Ordinance as the owner of copyright and the provisions of this Ordinance

shall have effect accordingly.

(2A) If the owner of a copyright , or the publisher to whom such right has been assigned, considers any of

the terms of the assignment to be likely to affect his interests adversely, he may within one year of such

assignment apply to the Board to consider such term and the Board may, after hearing both the parties,

pass such order as it may deem fit; and the order of the Board shall be binding on both the parties.

(3) In this section, the expression "assignee" as respects the assignment of the copyright in any future

work includes the legal representatives of the assignee, if the assignee dies before the work comes into

existence.

15. Mode of assignment

No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or

by his duly authorized agent. 16. Transmission of copyright in manuscript by testamentary disposition.

Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to

an artistic work, and the work was not published before the death of the testator, the bequest shall, unless

the contrary intention is indicated in the testator's will or any codicil thereto, be construed as including the

copyright in the work in so far as the testator was the owner of the copyright immediately before his

death.

17. Right of owner to relinquish copyright

(1) The owner of the copyright in a work may relinquish all or any of the rights comprised in copyright by

given notice in the prescribed form to the Registrar and thereupon such rights shall, subject to the

provisions of sub-section (3), cease to exist from the date of the notice.

(2) On receipt of a notice under sub-section (1), the Registrar shall cause it to be published in the official

Gazette and in such other manner as he may deem fit.

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any

rights subsisting in favour of any person on the date of the notice referred to in sub-section (1).

TERM OF COPYRIGHT

18. Term of copyright in published literary, dramatic, musical and artistic works.

Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or

artistic work (other than a photograph) published within the life time of the author until fifty years from

the beginning of the calendar year next following the year in which the author dies.

Explanation. In this section, the reference to the author shall, in the case of a work of joint authorship, be

construed as a reference to the author who dies last.

19. Term of copyright in posthumous work.

(1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the

date of the death of the author or in the case of any such work of joint authorship, at or immediately

before the date of the death of the author who dies last, but which or any adaptation of which, had not

been published before that date, copyright shall subsist until fifty years from the beginning of the calendar

year next following the year in which the work is first published or, where an adaptation of the work is

published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section. a literary, dramatic or musical work or an adaptation of any such

work shall be deemed to have been published, if it has been performed in public or if any records made in

respect of the work have been sold, or offered for sale, to the public.

20. Term of copyright in cinematographic works, records and photographs

(1) In the case of a cinematographic work, copyright shall subsist until fifty years from the beginning of

the calendar year next following the year in which the work is published.

(2) In the case of a record, copyright shall subsist until fifty years from the beginning of the calendar year

next following the year in which the record is published.

(3) In the case of a photograph, copyright shall subsist until fifty years from the beginning of the calendar

year next following the year in which the photograph is published.

21. Term of copyright in anonymous and pseudonymous work

(1) In the case of a literary, dramatic, musical or artistic work (other than a photograph), which is

published anonymously or pseudonymously, copyright shall subsist until fifty years from the beginning of

the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright

shall subsist until fifty years from the beginning of the calendar year next following the year in which the

author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint

authorship, be construed:- (b) Where the identity of more authors than one is disclosed, as references to the author who dies last

from amongst such authors?

(3) In sub-section (1), references to the author shall, in the case of a pseudonymous work of joint

authorship, be construed:-

(a) where the names of one or more (but not all) of the authors are pseudonym and his or their identity is

not disclosed, as references to the author whose name is not a pseudonym, or, of the names of two or

more of the author are not pseudonyms, as references to such one of those authors who dies last;

(b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or

more of them is disclosed, as references to the author who dies last from amongst the authors whose

names are not pseudonyms and the authors whose names are pseudonyms and are disclosed ; and

(c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as

references to the author whose identity is disclosed or, if the identity of two or more of such authors is

disclosed, as references to such one of those authors who dies last.

Explanation. For the proposes of this section, the identity of an author shall be deemed to have been

disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or

is otherwise established to the satisfaction of the Board but that author.

22. Term of copyright in Government works and in works of international organizations

(1) Copyright in a Government work shall, where Government is the first owner of the copyright therein,

subsist until fifty years from the beginning of the calendar year next following the year in which the work

is first published.

(2) In the case of a work of an international organization to which the provisions of section 53 apply,

copyright shall subsist until fifty years from the beginning of the calendar year next following the year in

which the work is first published.

23. Term of copyright in unpublished work.

(1) If a work, whose author's identity is known, is not published posthumously within fifty years after the

death of the author, such work shall fall into the public domain after fifty years from the beginning of the

calendar year next following the year in which the author dies.

(2) If a work, whose author's identity is not known, is not published within fifty years of its creation, such

work shall fall into the public domain after fifty years from the beginning of the calendar year next

following the year in which the work is created.

(a) Where the identity of one of the authors is disclosed as references to that author;