

2011-2012 IP Survey Report

**Field Survey on
Intellectual Property Issues
in the Process of
ICH Information Building and Sharing**

**International Information and Networking Centre for
Intangible Cultural Heritage in the Asia-Pacific Region
under the auspices of UNESCO**

In collaboration with the Lok Virsa, Pakistan

Preface

ICHCAP, a UNESCO Category 2 Centre, has carried out activities for safeguarding intangible cultural heritage (ICH) in the Asia-Pacific region with a centralised function in ICH information and networking. In this role, the Centre has worked towards protecting intellectual property rights related to ICH information. The Centre held expert meetings on ICH safeguarding and intellectual property rights in 2009 and 2010, and in 2011, the Centre proposed a project for protecting ICH intellectual property (IP) rights in the process of ICH information building and sharing.

In 2011 and 2012, as part of the new project, field surveys were conducted with the cooperation of ICH information-related institutes in the Asia-Pacific region to examine IP issues that could arise in the process of ICH information building and sharing. The survey was conducted in eleven countries—Cook Islands, Fiji, India, Kazakhstan, Korea, Kyrgyzstan, Mongolia, Pakistan, Philippines, Sri Lanka, and Viet Nam. The purpose of the surveys was to highlight the IP-related problems that ICH-related organisations may encounter while conducting ICH information-related activities, such as identification, documentation, digitisation, etc., and promoting the groundwork for a guide to protect IP-related aspects of ICH in the process of information building and sharing.

For the field surveys, a questionnaire developed by ICHCAP was provided to key organisations, and surveys were carried out by each organisation according to the questionnaire. A research team based in each organisation lead the surveys. Upon completing the surveys, the organisations involved compiled a report. ICHCAP collected the submitted reports and is now making them available in this publication, *Field Survey on IP Issues in the Process of ICH Information Building and Sharing*.

The survey reports from each country are being provided as a resource to exchange experiences related to the IP aspects of ICH information. Also, it is expected that publishing reports can foster an environment to understand and resolve problems related to IP aspects of ICH information in the Asia-Pacific region.



Contents

IP Issues in the Process of ICH Information Building and Sharing

Preface	001
IP Survey Report	
I . Intellectual Property Organisation of Pakistan	006
II. Lok Virsa	009
III. ICH Information Activities	016
IV. IP Issues in Activities	031
V . Conclusion	032
List of co-researchers	033
Summary	035

Annex 1 Questionnaire	041
Annex 2 IPO of Pakistan Ordinance	059
Annex 3 Copyright Ordinance	071

IP Survey Report

I . Intellectual Property Organisation of Pakistan

Intellectual Property Organisation of Pakistan (IPO Pakistan) was established in 2005 as a focal organization for integrated management and enforcement coordinatio of all forms of Intellectual Property Rights in Pakistan. Ever since this Organization has fast developed into a lead model of integrated IP management of all forms of IP including Patents, Industrial Designs, Trade Marks, Service Marks, Copyrights, Layout Designs of Integrated Circuits (topographies), Geographical Indications, Genetic Resources, Traditional Knowledge and Folklore (GRTKF). Intangible Cultural Heritage (ICH) is included in GRTKF.

IPO Act, 2012 was passed by National Assembly and Senate and resultantly organization became legal entity after surviving on the Ordinances for seven years. IPO Act would empower the organization to adopt solid steps for the improvement of service delivery system, up gradation of IP Registries, establishment of IP tribunals and opening of new IP regional offices in the country.

As far as Patents, Trade Marks, Copyrights and Industrial Designs are concerned, they have already been mainstreamed under respective Registries and legal protection is in place to these IP forms.

The major challenge IPO-Pakistan is now facing is to put in place necessary legislations for protection of non-conventional Intellectual Property e.g. Genetic Resources, Traditional Knowledge, Folklore and ICH in order to protect Pakistan's immense indigenous IP assets.

Pakistan is a rich country in terms of Intangible Cultural Heritage (ICH). Even common people of our society are well aware of commercial value of Kinoo of Sargodha, Mango and Sohn Halwa of Multan, Basmati Rice, Sindhi Ajrak, Balochi Sajji, Peshawari Chapal and many other cultural products of Pakistan; medicinal value of Neem, Podina, Desi Khira and many other herbs and shrubs of northern and southern areas of our country; recreational value of folk tales like Heer Ranjha, Sassi Punnu and sufi poetry of Sultan Bahu, Bullehy Shah and Shah Abdul Latif Bhitai. Although we are proud of our history and culture but unfortunately we have neither preserved nor exploited our Traditional Knowledge and cultural heritage commercially at international level. We can provide protection and

commercial value to our local products at international level with dedication, determination and sincerity.

As far as WTO regime is concerned which has been introduced in 1995, the TRIPS Agreement did not mention Traditional Knowledge and Cultural Heritage as an IP form. However new dimensions were given to Intellectual Property by opening new subject of Genetic Resources, Traditional Knowledge and Folklore (GRTKF) during Doha Development Agenda in 2001 and UNESCO convention for the Safeguarding of the Intangible Cultural Heritage in 2003. Recognizing the fact, the WIPO General Assembly, at its 26th Session, held in Geneva from September 26 to October 3, 2000, established an Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (GRTKF). During 12 years of its establishment this committee has conducted 17 sessions to date. Pakistan's stance is very clear on this forum that issues such as benefit sharing and Prior Informed Consent to protect against misappropriation of Genetic Resources, Traditional Knowledge and cultural heritage should be addressed by legally binding international instrument on text-based negotiations and with a well-defined time frame for an outcome. Pakistan, being the member of world community actively takes part in negotiations and deliberations regarding protection of Genetic Resources, Traditional Knowledge and cultural heritage at the forums of WTO, WIPO, UNESCO and other intergovernmental organizations. We are making serious efforts at international level with the support of developing countries (Asian and African Groups) to introduce an international treaty/agreement for protection of Traditional Knowledge and cultural heritage.

At National level, IPO-Pakistan is developing database of Genetic Resources, Traditional Knowledge and Folklores which will be a step forward towards protection and commercialization of cultural expertise and heritage. Drafting of *sui generis* (stand alone) legislation for protection of Genetic Resources, Traditional Knowledge and Cultural Heritage is part of our future prospects.

IPO-Pakistan has stepped forward for the protection and management of national IP assets. Now, it is being contemplated that stakeholding institutes like National Institute of Health, Hamdard University, Lok Virsa, Ministry of Environment, Ministries of Culture at Federal and Provincial level and other public and private organizations should join hands with IPO-Pakistan for drafting of the most appropriate legislation and developing of database of Genetic Resources, Traditional Knowledge and Folklore (GRTKF).

Except IPO Pakistan there are many organization which are officially responsible for the safeguarding of Intangible cultural heritage and intellectual property

issues in Pakistan: Ministry of Information Broad casting and Heritage, National Institute of Folk and Traditional Heritage (commonly called as Lok Virsa), Pakistan National Council of Arts, Rawalpindi Council of Arts, Multan Council of Arts, Punjab Council of Arts, Karachi Council of Arts, Small Industries of Punjab, Small Industries of Balochistan, Small Industries of Sind, Small Industries of Khyber Pakhtoonkha, Small Industries of Azad Jammun Kashmir, Sindhology Institute of Sind University, Jamshoro, Culture departments of Sind, Culture department of Punjab, Culture department of Balochistan, Culture department of Khyber Pakhtoonkha, Culture department of Gilgat Baltistan, and culture department of Azad Jammun Kashmir, and UNESCO office of Pakistan.

There are also many non governmental organizations working in different fields of ICH and their IP Issues in their respective regions and all over the country for example; National Rural Support Programme (NRSP), Sungi, Thaap, KADO (Karakoram Development Association), Ahhan, BCDF (Baltistan Cultural and Development Foundation), GECA (Gojal Educational and Cultural Association), Cholistan Cultural Development Association, National Craft Council (NCC), Mehrgharh, Gandhara Association, Folklore Society, Agha Khan Culture Support Programme (AKCSP) etc.

ICH subjects, for instance; individual artisans, designers, photographers, film makers are also more or less busy in the process of IP issues recognition or solving.

A brief overview of the National Institute of Folk and Traditional Heritage (Lok Virsa) and of some of its activities is given below regarding safeguarding of cultural heritage and IP issues.

II. Lok Virsa

The rediscovery of Pakistan's historical tradition and its reintegration with modern elements requires extensive knowledge of the roots of this heterogeneous culture.

Folklore is an eminently practical thing for it represents things inherited as against things acquired. This has great significance. Our own awareness and national consciousness must precede everything else.

The preservation and promotion of the traditional culture, folk arts and folklore are instrumental in strengthening a nation's identity. Pakistan, like most other developing countries of Asia & Africa is in a transitional phase. Along with being faced with the challenge of preserving its cultural heritage, Pakistan also has to meet the needs of a nation in the modern industrial world.

Tradition and change go together. These are like two wheels of a carriage that must move in unison for advancement. No nation can afford to progress in industry, science and technology at the utter neglect and cost of its cultural awareness.

Over the past century an urban monopoly on art and culture overshadowing the regional and rural traditions, along with a great cultural influx from the west has led to a slow and gradual process of severance from the roots of indigenous culture. As a result Lok Virsa was established as the much needed platform to systematically preserve and strengthen a fading identity.

Lok Virsa established in 1974 is a specialized organization with a mandate to collect, preserve/safeguard, project and disseminate the folk and traditional heritage of Pakistan.

This does not imply holding back progress or turning back the wheels of time but merely to institute measures and protections against disruption. We must develop from the depth of our own being and step forward to meet the modern world.

With the advent of modern mass society and an age of cultural diffusion and invasion from the advanced technological nations the traditional customs, beliefs, arts and crafts are being rapidly obliterated. In the absence of adequate protections, it is likely to completely wash out our cultural heritage.

Goals

Lok Virsa is doing its best to achieve the certain goals. Following are some current goals of lok virsa.

1. Rediscovery and Research

Lok Virsa conducts village to village, town to town, district to district, cultural survey of Pakistan. Mobile recording and filming units have been set up for active field research, documentation and collection of the material and the ideological components of our indigenous traditions.

2. Cultural Store House

Lok Virsa is a store house of cultural materials preserved for posterity and for free use by researchers, scholars, schools, colleges and universities and above all for professional media such as the radio, the television and the national press.

3. Cultural Revival

The work is not carried out in the spirit of museum storage of antiquities with no attempt whatsoever to preserve what in the culture is still vital. Lok Virsa does not view its role in the same way as archaeological remains that one must hold in storage, but as living heritage which has a role to play in real life within the context of present day Pakistan. Lok Virsa initiates measures to identify and categories individuals, groups or classes of notable masters and practitioners of all traditional arts and skills ensure ways and means of their continuance by providing suitable incentives.

4. Cultural Projection

Arts in the modern times are becoming industrial arts and no longer remain individual; here unfortunately a developing country like Pakistan is at the consumers end. We are compelled to import such industrial art products as films, books, magazines, video tapes, TV, and audio tapes. The result is a rapid transplantation of alien art forms to the detriment of our own cultural traditions. Lok Virsa in cognizance of the situation aims to strengthen national art industry for the propagation of Pakistani art forms.

Functions

1. Virsa Research Centre

The centre conducts field surveys and active village to village recording of folk traditions through mobile recording units as well as field collectors based in farflung areas of the country.

2. Sound Archives

Legends and tales, romances and songs, games and rhymes, festivals and celebrations, beliefs and rituals, sayings of saints and Sufis are collected and preserved systematically in a national archive. Over ten thousand recorded tapes are stored in the library.

3. Heritage Library

The Heritage library is a most original creation in Pakistan with a collection of over 25,000 books and journals. This is the only public library in the world addressing Pakistan's traditional culture and continues to serve national and international students, scholars and researchers. The numerous manuscripts, original reports, field surveys and research monographs on Pakistani culture are accessible to anyone.

4. Regional Research

The Research Centre encourages and sponsors research in regional languages, folk literature, cultural history, arts, and crafts.

Achievements

In a short period spanning three decades, Lok Virsa has made notable achievements despite progressive resources constraints. Establishment of:

Pakistan National Museum of Ethnology/ Heritage Museum

Virsa Media center

Virsa Publishing House

National Institute of Cultural Studies

Heritage Library

Video & Sound Archives

National Database of cultural assets

Artisans-at-Work Festival (Lok Mela)

Pakistan Cultural Encyclopedia

Citizens Participation

A. National Heritage Museum

Most museums in Pakistan are archaeological which a throwback from colonial times is. The Heritage Museum is the first state museum of ethnology in Pakistan which presents the history and living traditions of the people of Pakistan both from the mainstream and the remotest regions of the country. The location of this landmark achievement at Islamabad enriches the federal capital and adds to its attractions.

The primary purpose of the museum is to educate and edify present and future generations of Pakistan and to create a treasure house for the nation more valuable than the vault of any bank in the world.

The museum has a covered area of 60,000 sq. ft. featuring exhibit halls, making it the largest museum in Pakistan. This is a museum for the people of Pakistan, who are the real bearers of our cultural traditions, which make Pakistan truly great.

Main Halls of the Museum:

- Antiquity & Continuity
- Ethnic Tribes
- Thematic Exhibitions & Artisans-at-work
- Ballads & Romances
- Sufi & Shrines
- Hall of Musical Heritage
- Textile & Embroidery
- Jewelry & Metal Work
- Hall of Architecture Wood Work

B. Virsa Media Centre

Lok Virsa is one of the largest publishers of the traditional music and culture. Audio and video cassettes, CDs, VCDs and DVDs produced by Lok Virsa are available in the market. Lok Virsa has edited, compiled and produced a set of 36 cultural documentaries and over 500 audio cassette labels of nation's cultural heritage.

A professional video studio has been established by the centre at Islamabad. The equipped mobile units of the centre can reach any part of the country to capture an event.

C. Virsa Research Centre

Lok Virsa has the mandate to document traditional heritage at the regional, district and sub-district level. Since the institute has currently no branches in other regions, a network of writers, scholars, universities, colleges and schools has been involved to carry out the task at the regional level. Towards this end, Lok Virsa commissions research projects and papers on significant aspects of our culture to students from different universities and colleges and also funds independent research studies.

Research centre also holds seminars, conferences and workshops for awareness raising to better help support the activities of documentation/management, preservation/safeguarding, projection, unbroken transmission to upcoming generations and dissemination of cultural capital in the country.

D. Virsa Publish House

Lok Virsa has published around 250 books on various facts of Pakistani folklore and cultural heritage covering all regions of Pakistan. Many of these are national award winning and a number of these are prescribed at postgraduate level in universities.

Books have been produced in series such as:

Folk songs, folk tales, folk romances, epics, folk entertainment, folk poetry, sufi poetry, cultural information, cultural gazetteers, surveys, folk classics, oral traditions and rare reprints.

It would not be unjust to call Lok Virsa the cultural storehouse of literature pertaining to Pakistani traditions. Original research works in all regional languages of Pakistan along with Urdu renderings of the Regional text are published. Patronage has expanded from scholars to the general public.

Folk Songs, Folk Tales, Folk Romances, Epics, Folk Entertainment, Folk Poetry, Sufi Poetry, Cultural Information, Cultural Gazetteers, Surveys, Folk Classic, Oral Traditions and Rare Reprints.

The Publishing house aims to make regional folk literature available in the national language to promote greater understanding and closer fraternity

amongst Pakistanis and to make cultural literature available to schools, colleges, universities and social scientists.

E. Heritage Library

'Heritage Library' is devoted to provide assistance to scholars, students, common citizens on folklore and cultural heritage by accumulating field research, collecting cultural studies, oral traditions, indigenous cultural; inheritance and traditional culture.

Library offer unparalleled opportunities for self-directed learning and exploration by people of diverse ages, interests, backgrounds, and abilities. For society as a whole, 'Heritage Library' provides valuable intangible benefits as sources of national, regional, and local identity.

The Library is atypical since it is with a high concentration of books, journals, manuscripts and field reports pertaining to Pakistani folklore, ethnology, cultural anthropology, art history and craft.

F. Video and Sound Archive

The Audio Video Archives continues to collect and preserve folk tales, legends, songs, adding to the collection of recorded tapes stored in a library with public access. During the year, the digitalization of the archives was started to transfer the recordings from analogue to digital format for longer life.

The Lok Virsa sound archive contains the single largest collection of recorded songs, ballads, epics and interviews pertaining to Pakistani culture.

The institute's Audio-visual section produces video films of customs, traditions and folk performances for video Archive.

National Database of Cultural Assets (NDCA)

Lok Virsa has also established National Database of Cultural Assets in its premises. At present this centre has accrued the data of cultural assets of six districts of Pakistan. This pilot project was implemented by the UNESCO office of Pakistan in close collaboration of all non governmental and governmental cultural bodies working in the country.

At present, Lok Virsa is consolidating this data offline and is putting the district wise data online. Cultural data of Manshera is available online. Paralell to this Lok Virsa is vying to get a nationwide cultural mapping survey of Pakistan. This will pave way for the very systematic endeavors for the in-depth exploration, projection and safeguarding of cultural assets of the country involoving the relevant communities.

G. Visit and Protocol

Visits & Protocol facilitate and deal with visits of eminent personalities, international envoys, official delegates, dignitaries and state guests at the Heritage Museum.

Visits & Protocol aslo organizes guided tour on request, to Heritage Museum. With centuries old history, Pakistan has a cultural heritage that is difficult to compare with other countries. Steeped in history and culture Pakistan is home to some unique cultural heritage in the sub continent. A guided tour to Heritage Museum is a wonderful way of discovering an ethnological Pakistan, which is rich in history and culture.

H. National Crafts Council of Pakistan (NCC)

The National Crafts Council of Pakistan (NCC), a non profit, non governmental organization, was set up to preserve and promote the invaluable heritage and the welfare of the crafts people. It is a subsidiary body of Lok Virsa.

This unique body has got a countrywide presence by having one thousand artisans from all over the country as its active members. Basically this NGO is working to help promote the cause of folk heritage and crafts by all means. It is because of the coordination and facilitation of NCC that Lok Virsa successfully holds the artisans at work festivals.

I. National Institute of Cultural Studies

Under private–public partnership, Lok Virsa has also established a unique institute in the name of National Institute of Cultural Studies (NICS) at Islamabad with a focus to impart quality education and training to students in specialized fields that are not taught anywhere else in Pakistan such as musicology, skills training in arts & crafts, ethnography, photography, folkloric research, multimedia, etc.

III. ICH Information Activities

In 2011-2012, following major activities were undertaken by Lok Virsa:

1) Lok Virsa Educates Kids about Cultural Heritage

(July 2011)

A group of about 50 children belonging to the marginalized communities of Sindh, Balochistan and Federal Administrative tribal areas (FATA) visited Lok Virsa on July 17, 2011 to get cultural education. The visitors were the students of classes of 6th, 7th and 8th. Their visit to Lok Virsa was coordinated by the Children's Global Network (CGN), a non-governmental organization working in different parts of Pakistan to provide basic education to children and training to the teachers. The children took keen interest in the rare artifacts and other ethnological collections at the museum mainly the "hall of antiquity and continuity", "hall of musical heritage" and "hall of ballads and romances". Indeed, any gap and disconnect from social and cultural reality can result in raising adults who may not possess a true relationship with their society. Lok Virsa is making every possible effort to ensure documentation preservation and transmission of cultural heritage to coming generations.

2) Independence Day Celebrations

(August 2011)

To celebrate 65th Pakistan Independence Day, Lok Virsa and Pakistan National Council of the Arts (PNCA) – two cultural organizations in association with Ministry of Information and Broadcasting arranged colorful and lively programs to entertain people, particularly youth and children. The day started with a flag hoisting ceremony at the Convention centre, where children gave a colorful performance. The prime minister urged youth to explore their hidden talents and excel in all fields of life.

The children of the twin cities were enthralled by a variety of programs including puppet show, tableaux, and especial bhangra dance and nation

songs at the National Art Gallery. While at Lok Virsa, an exhibition of artisans-at-work was organized that featured master artisans in the fields of embroidery, paper mache, truck art, shawl weaving, doll making, zari work and pottery.

3) Exhibition of Islamic Calligraphy “Quran and Peace”

(August 2011)

A 5-day exhibition of Islamic calligraphy “Quran and Peace” by eminent artist Muhammad Azeem Iqbal was organized by Lok Virsa on August 25, 2011. Federal Minister for Information and Broadcasting Dr. Firdous Ashiq Awan inaugurated the exhibition. Speaking on the occasion, the minister said, “Islam gives us a message of peace, unity and brotherhood. Islamic calligraphy traditionally took its inspiration from the Muslim belief in the divine origin of Arabic writing, the medium through which the Quranic revelation to the Prophet Muhammad (Peace Be upon Him) was recorded”. The exhibition presented 75 masterpieces of calligraphy depicting golden period of Holy Prophet Muhammad (Peace Be upon Him) to different eras of Islamic civilizations to the present century. The artist has skillfully employed various medium like leather, stone, wood, bamboo, gold, bronze, copper and hand crafted papers using “Aab-i- Zam Zam” to create beautiful pieces.

4) Pothohar Folk Music Festival

(October 2011)

A six-day “Pothohar folk music festival” was organized by Lok Virsa in collaboration with Ministry of Information and Broadcasting on October 12, 2011. The special attractions included folk musical shows, Pothohari Bait, traditional Dhol performance, poetry recitals by Pothohari poets. Folk performances like stick dance, Sammi dance, and comical skits were presented during the festival. The prominent folk music and dance performances given by Arshad Mahmood group, Pothohari poetry by Khadim Ali, Namberdar Ghulam Murtaza on chimta. Traditional dhol performance by Bashir and Amjad, traditional poetry recitals by Malik Shamshas, Malik Zeeshan Sadiq, and chit chat by Raja Amjad Mahmood. The festival aimed at documenting, preserving and projecting the rich musical heritage of Pothohar region.

5) Celebrations of International Day of Rural Women

Two-days festival-cum-conference with theme of “From Food Security to Peace and Security” to mark International Day of Rural Women was organized by Lok Virsa in collaboration with Potohar Organization for Development Advocacy (PODA) and other 55 organizations on 16th October, 2010. Goodwill Ambassador for Women Empowerment, Fiza Batool Gilani inaugurated the event at Lok Virsa premises and said, “We have to change the social environment constrained by a mindset of male dominance as a woman not only contributes to her family well-being but also works as an agent of change of society”. The festival included artisans-at-work featuring master crafts women from different parts of country with their tools, finished and semi finished products, promotional stalls by NGOs working for empowerment of women in Pakistan, a conference to focus on the women’s issues, audio visual presentations on women issues as well as a musical performance. In welcome address, Lok Virsa Executive Director Khalid Javaid said, Lok Virsa was the first national organization which stood behind PODA and supported them in organizing a number of cultural and promotional activities to mark the International Rural Women Day in a most befitting manner. Ms. Ghazala Gola: Balochistan Minister for Women Development, Mrs Sitara Ayaz: Khyber Pakhtunkhwa Minister for Women Development, Dr. Nafisa Shah, Secretary Women Parliamentarian Caucus and Her Excellency Cecilie Landsverk, Norwegian Ambassador to Pakistan also attended the conference proceedings and highly appreciated the role of Lok Virsa. The conference concluded with presentation of awards to recognized rural women in Pakistan by the Royal Norwegian Embassy.

6) Pakhtun Cultural Night

In order to promote the Pakhtun culture, Lok Virsa organized a cultural event to focus on Pakhtun indigenous folk culture in coordination with Government of Khyber Pakhtunkhwa on October 31, 2011. Musharraf Bangash, Waheed Achakzai, Rashid Khan, Shahab Khiski, Islam Zarin Khattak, Raj Wali Marwat, Amina Khan and Sidra Khan performed at the event. Khyber Pakhtunkhwa Labour Minister: Sher Azam Wazir was the chief guest on the occasion. A large number of people from different walks of life attended the event and appreciated the efforts of Lok Virsa.

7) Youth Poster Exhibition

(November 2011)

A 7-day long youth poster exhibition titled “Children Know Peace” has been arranged on November 3, 2011 by the Friends of China to mark the 60 years of the Pak-China friendship celebrations in partnership with Lok Virsa, Islamabad Crescent Lions Club and DEVCOM-Pakistan. Muhammad Akram Zaki a former Ambassador and Secretary General Foreign Affairs & Chairman of Friends of China Association was the chief guest at the inaugural ceremony. Addressing the gathering, Akram Zaki shed light on the importance of the exhibition with special reference to Pak-China relations. About hundred posters drawn by children were displayed in the exhibition. Students from 25 schools of the twin cities of Rawalpindi and Islamabad took part in the contest unleashing their imagination to compare violence and peace in the society and hence coming up with the solution that peace and harmony is definitely vital and a basic need for progress, development and prosperity.

8) National Conference on Sufism

A one-day conference on “Sufism as mainspring of peace, love and harmony” was organized by Lok Virsa on November 23, 2011. In his opening remarks, the chief guest, Federal Secretary for Ministry of National Heritage & Integration, Mr. Faridullah Khan said, “Sufi saints in the sub-continent have contributed significantly towards conveying message of peace, love and harmony among the masses.” The chief guest congratulated Lok Virsa on this initiative and assured the participants all possible assistance from his ministry in this regard. Lok Virsa Executive Director Khalid Javaid explained the underlying objectives for holding the conference and stressed upon the participating scholars to highlight the message of great Sufis to help reduce the day-by-day increasing tensions and animosities across all divisions and ultimately to guide all the relevant institutions on how to revive the “Sufi Culture” in the given scenario.

9) Publication: “Forgotten Faces-Daring Women of Pakistan’s Folk Theatre”

Lok Virsa in its on-going efforts to document, preserve and promote indigenous folk culture and heritage of Pakistan, published a book on November 25, 2011 entitled “Forgotten Faces- Daring women of Pakistan’s folk theatre” by Dr. Fauzia Saeed. Faridullah Khan, Federal Secretary for Ministry of National Heritage & Integration was the chief guest at the

occasion. In his remarks, he said that theatre has deep rooted history in the sub-continent. It has been an indigenous expression for those polarities of human life, like happiness and sadness, calamities and miracles, heroes and villains, and romances and tragedies. He congratulated Lok Virsa and Dr. Fauzia Saeed, the author of book, for their efforts in bringing out the publication.” In welcome speech by Executive Director, Lok Virsa, Mr. Khalid Javaid said, “Lok Virsa’s mission is to foster the excellence, diversity and vitality of all facets of tradition and to broaden public access to this knowledge.” A large number of people related to folk theatre, besides general public also attended the event. The launching ceremony was followed by the live performance featuring Abida (daughter of the outstanding theatre artist of her time Balli Jatti), Naznin Mano, Fazal Jat and Saima.

10) Quaid Day Celebrations

(December 2011)

On December 25, 2011, Lok Virsa in collaboration with Pakistan National Council of Arts and Ministry of National Heritage & Integration celebrated the 135th birth anniversary of the founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah with a great fervor and enthusiasm. The most exciting event was the especially designed moving float with the theme “Unity, Faith and Discipline” representing the beautiful culture of all provinces and federation units of the country that travelled around the capital city. Outstanding folk artists and musicians, attired in regional costumes, performed on the float and attracted public rush through their thrilling performances. At the end, ceremony was held at the avenue wherein the services of the great leader were highlighted purely through a cultural perspective. Folk artists who performed on the occasion were Akhtar Channel and his troupe, Mureed Buledi, Musarrat, Qurban Niazi, Rukhshana Murtaza and Sunny Group. The folk dance groups performed Khattak, Dharees and Sami.

11) Kashmir Solidarity Day “Yakjehti Mela” and Eid Miladdun Nabi (P.B.U.H)

(February 2012)

Lok Virsa organized a day-long cultural festival to mark the Kashmir Solidarity day as well as to celebrate Eid Miladdun Nabi (P.B.U.H) on 5th February 2012 in collaboration with Kashmir Affairs and Gilgit and Baltistan Division. The festival brought Kashmiri artisans, artists, NGOs and

government organizations working for the cause of Kashmir under one umbrella to express solidarity with the Kashmiri people. Recurring performances of Taleh Ruz, named after traditional Kashmiri jewellery, in full costumes were arranged at the open air theatre of Lok Virsa. The main features of festival included Kashmiri artisans-at-work with more than 20 Kashmiri craftsmen/women displaying their artisanship in creatively designed cultural pavilions which attracted attention of the crowds. Beside Kashmir day programs, Lok Virsa also arranged activities coinciding with Eid Miladun Nabi (P.B.U.H). Artists and 'Naat Khawans' paid homage to Holy Prophet Muhammad (peace be Upon Him) on the occasion.

12) Seminar and Interactive Dialogue On “Safeguarding Mother Tongues in an Era of Imperialist Globalization”

Lok Virsa and The Rural Development Policy Institute (RDPI) joined together to observe the International Mother Language Day on February 21, 2012. An interactive dialogue was also held in Lok Virsa premises titled “Safeguarding mother tongues in an era of imperialist globalization”. Speakers at seminar stressed the need for preservation and promotion of all endangered languages. The objective behind the dialogue was to encourage the healthy cohesion among different languages. Executive Director of Lok Virsa, Ahmed Saleem, Dr. Khadim Hussain, Saeed Bhutta, Iqbal Hyder, Karim Johar, Dr. Nadeem Omar, Dr. Hummera Ishfaq and Mazhar Arif took part in the discussion. The speakers observed that languages were promoted through culture, jobs and creativity.

13) Publication: “Children Folk Games of Pak, Norway”

On February 22, 2012, Lok Virsa in collaboration with Norwegian Directorate of Cultural Heritage (Riksantikvaren) published a comprehensive book on the “Children Folk Games of Pakistan and Norway” for documenting the folk culture of the two countries. The book was published under the Joint Institutional Cooperation (JIC) programme between Pakistan and Norway. Mrs. Samina Khalid Ghurki, Federal Minister for Ministry of National Heritage & Integration was the chief guest whereas Cecilie Landsverk, Norwegian ambassador to Pakistan attended the ceremony as guest of honor. The 100-page book contains 24 folk games along with description, number of players, preparations, steps and rules required for each game. It also comprises sketches and photographic representations so as to facilitate the readers to understand easily how to play these games. Pakistani folk games include Langri Pala (one-legged

tiger), Kho Kho (go go), Pitho Garam (hot potato), Kokla Chapaki (hide the whip) etc. while Norwegian games given in the book are Kick the Tin (hide n ' seek) Bro Bro Brille, Paradise (hop scotch), Klinkekuler (marbles), Hoppe Strikk (French skipping) and Hoppe Tau (skipping).

14) Workshop on the Protection of Endangered Kalash Heritage

On February 29, 2012, a one-day workshop on the preparation for inscription of the Kalash valley culture on the World Heritage List was organized by Lok Virsa in collaboration with Ministry of National Heritage & Integration and the Department of Archaeology. The chief guest Faridullah Khan, Federal Secretary, Ministry of National Heritage & Integration said, "the ministry is in the process of developing a plan for safeguarding endangered heritage property." The discussions revolved around certain measures to be taken for safeguarding Kalash cultural heritage including devising an inventory of endangered elements of tangible and intangible culture; efforts for documentation of Kalash culture; preserving Kalash culture in the villages of Bamborate, Birir and Rambur; safeguarding the language; preserving the music of Kalash in its original form; and protecting Kalash nomenclature currently under threat. The Kalash population has significantly declined in the past 60 years. From 10,000 in 1951, the population fell to 3,700 in 2011. Presenting the case for Kalash, Luke Rehmat, President of Kalash People's Development Network, said that "serious efforts for the protection and conservation of Kalash culture may be taken by the global community of Kalash culture as site of world heritage by UNESCO." The participants of the workshop included Lok Virsa's Executive Director Khalid Javaid, Director General, Department of Archeology and Museums, Dr. Fazal Dad Kakar, Dr. Shah Nazar from Archeology & Museums Khyber pakhtunkhwa, Zakir Hussain from Survey of Pakistan, Inamullah from IUCN, Waqar Hussain Abbasi from National Disaster and Management Division, Pervaiz Sabat Khel from Culture Department KPK, Shamsuddin from Chitral, Abdul Makal from Chitral, Syed Gul from Bumborate museum, Muhammad Arshad from Auqaf Hajj department Ministry of Religious affairs and others.

15) Painting Art Exhibition

(March 2012)

The painting exhibition by the students of Foundation University, Rawalpindi was jointly organized on March 01, 2012 by Lok Virsa, Universal Women Children Arts Therapy Association (UWCATA), Pakistan

Sweet Home (a charity project of Pakistan Bait-ul-Mal) and Ministry of National Heritage & Integration. The chief guest, Pakistan Bait-ul-Mal Managing Director, Zumurrud Khan highly appreciated the efforts of the students who gave vent to their thoughts in skillful and artistic manner. Executive Director, Lok Virsa Khalid Javaid invited students to make best use of Lok Virsa's facilities for their educational requirements. Some 150 paintings of 50 Students were put on display in the exhibition that caught attention of the visitors. The painting themes included historical places, landscapes, portraits and flowers. The paintings were mainly in oil paint, water color and pastels.

16) Balochi Cultural Show

Folk artists and musicians from the restive Balochistan province enthralled visitors at the Balochi cultural day. The event was organized by the Lok Virsa, Wash TV and Radio jointly on March 02, 2012. Hundreds of Baloch families and locals turned up to make the show a success. The Baloch youth wearing the traditional turbans and dresses showcased their way of celebration in their folk rhythms. The singers also performed the Balochi dances "Chapp" and "Leva" making the audience sway and dance along with them. This show was part of the ongoing efforts of Lok Virsa to provide equal opportunity to all provinces and regions for safeguarding and promoting their indigenous folk culture.

17) Music Freedom Day Celebration

Lok Virsa in collaboration with Institute for Preservation of Art and Culture and Folklore Society of Pakistan celebrated the World Music Freedom Day on March 05, 2012. A special concert was arranged in this regards at Lok Virsa auditorium, featuring artists, Taimur Khan (Sarangi), Sarfaraz Anwar (Tabla), Farhan Bogra (Rubab), Shiraz (Tumaknari), Taj Buledi (Baluchi folk singer) and Asghar Ali (Suroz) from Islamabad, Peshawar and Quetta. Gerald Sholomenko (Saxophone & flute), James Steben (guitar & violin) from Canada and Chinese folk singer Zhang Mi were among the visiting musicians. A number of music fans of the twin cities and foreigners attended the concert and applauded the versatility of the performers.

18) National Women-at-Work Festival

To mark International Women Day, a five-day festival "National Women-at-Work" was organized by Lok Virsa and Devcom Pakistan with support from

the UN-Women, NDMA, Save the Children, SPO and Helping Hand on March 08, 2012. Over 60 public and private sector organizations set up stalls featuring work of the home-based women workers, entrepreneurs, NGOs, corporate sector, and educational institutions. Traditional food courts, entertainment area for children and families, and dance performances by musical groups were also part and parcel of the festival. Minister for Information & Broadcasting, Dr. Firdous Ashiq Awan inaugurated the festival. Senator from Khyber Pakhtunkhwa Rubina Khalid, Dr. Fauzia Saeed, Anjum Asad Amin, member National Disaster Management Authority (NDMA) and Riffat Ara Beg were also among the guest speakers. Prominent artisans who participated in the event included Khalida Perveen (Multani embroidery), Fouzia Naheed (doll making), Yasmin and Robina Ghazi (embroidery), Afshan Azhar (jewellery) and Spozmai (Balochi embroidery).

19) Pubilation: “Working with Sharks”

On the occasion of International Women’s Day, Dr. Fouzia Saeed, a noted rights activist, launched the paper back version of her much proclaimed book “Working with Sharks”. The launching ceremony was organized by Lok Virsa in association with Development Communication Network (DEVCOM, Pakistan). Lok Virsa’s Executive Director Khalid Javaid, renowned artist Jamal Shah as chief guest and Dr. Fouzia Saeed spoke on the event. Dr Fouzia described this book as a beginning of a major change where members of the society will stand in solidarity with a woman who wants to speak out against such crimes as opposed to the tradition of stigmatizing women. The audience praised the author for such an informative interaction.

20) Pakistan Day Celebrations

Pakistan Day, March 23, 2012 was celebrated with great fervor and enthusiasm. A festival was organized in the premises of Lok Virsa featuring special programs to mark the historic day. Artisans-at-work exhibition, song and dance performances by folk artists, musicians and traditional drummers as well as an exotic craft bazaar displaying and selling a variety of traditional handmade items were among major features of the festival. The major attraction remained the artisans exhibition which featured outstanding master artisans in various specialized craft fields including Zahid Riaz in wax painting, Fazl-e-Wahid in Swati shawl, Habib-ur-Rehman in truck art, Hafeez Nasir in zari work, Mukhtar Dar in Kashmiri namda-

gabba weaving, Zulfiqar Ghazi in Kashmiri papier machie, Fouzia Naheed in doll making, Muhammad Saleem in wood carving, Sadaf Nisar in motikaari (needle work), Fouzia Malik and Motahir in embroidery work. A large number of visitors including families, youth and general public attended the activities and enjoyed them immensely.

21) Nauroz Festival

Festival “Nouroz” that heralds the arrival of the spring season in the Persian was celebrated by the Lok Virsa in collaboration with Iranian Embassy’s cultural consulate and Ministry of National Heritage & Integration, on March 26, 2012. Federal Information and Broadcasting Ministers Dr. Firdous Ashiq Awan was the chief guest on inaugural ceremony of the festival. She said, “Pakistan and Iran enjoy very cordial relations. I am proud to join the celebrations for this centuries-old festival.” Iranian Embassy Cultural Counselor Taghi Sadeghi also spoke on the occasion and shed light on the important features of the event. The festival featured crafts, miniatures, books, photographs, paintings, features films, a group recitation of Holy Quran, Naats and devotional folk music from Iran. According to Iranian people, the word Nouroz invokes colorful images which are elegant, and opulent as well as delightfully simple.

22) UNESCO Cultural Exhibition to Promote Women Empowerment (April 2012)

With an aim to project and promote southern Punjab’s indigenous cultural crafts across the country, United National Educational, Scientific, and Cultural Organization (UNESCO) in collaboration with THAAP and Lok Virsa organized a cultural exhibition on April 02, 2012 at Lok Virsa. Dr. Ali Abbas Qazilbash inaugurated the exhibition and offered technical expertise of UNIDO to strengthen market linkages of the handicraft enterprises established under the project. The UNESCO Country Director Dr. Kozue Kay Nagata, UNDP Country Director Toshi Hiro Tanaka and THAAP Executive Director Professor Sajida Vandal also attended the event. Professor briefed the audience on outcomes and achievements of the project and appreciated the UNESCO for its financial and technical support. The exhibition displayed the cultural products prepared under the joint initiative of the One UN (ARP-JPC-2) project, ‘Promotion of Cultural Industries for Poverty Alleviation in Bahawalpur’ which was spearheaded by UNESCO in partnership with THAAP in 2011.

23) Annual Folk Festival “Lok Mela”

Lok Virsa organized a Ten-day folk festival “Lok Mela” in collaboration with Ministry of National Heritage & Integration, at Lok Virsa Complex, Shakarparian from 6th April to 15th April 2012. Federal Minister for National Heritage & Integration Samina Khalid Ghurki inaugurated the event by performing “dastarbandi” and “chadarposhi” of an established master artisan. The minister said, “Traditions and cultural values are the identity of a nation. Changes over the time can diminish them, but they cannot be wiped away”. Speaking on occasion, Federal Secretary for National Heritage & Integration Asaf Ghafoor said that the event is a true depiction of rural Pakistan. The direct beneficiaries are rural folk including crafts people, folk artists, musicians and other performers participating from each and every corner of the country. More than 500 artisans from different parts of the country, including remotest regions, participated in the festival. The festival included an artisans-at-work exhibition, provincial cultural pavilions, folk songs and dance ensembles, rural musicians, cultural evenings, promotional stalls by public organizations and NGOs, general assembly of craftspeople, a craft bazaar, traditional food cuisine and activities for children. Hundreds of master artisans, folk artists and rural musicians from all over the country took part in the festival by the way of demonstrating their skills. These people from Punjab, Sindh, Balochistan, Khyber Pakhtunkhwa, Azad Jammu & Kashmir and Gilgit Baltistan brought with them their creativity in arts, crafts and innovation. The major thrust of the festival was the focus on provincial harmony and national integration highlighting the contribution of our people in building future of Pakistan. The Sindh pavilion consisted of more than 100 artisans, craftsmen, musicians, dance groups. The wide range of folk crafts included lacquer art, farasi weaving, blue pottery, ajrak, block printing, traditional carpet weaving, rilli, khes weaving, wood work, thari embroidery and several other handicrafts were the part of festival. On April 7h, 2012, the Cultural night of Sindh of was organized wherein the performance of Sindhi folk artists enthralled audience by giving a true reflection of diverse culture and musical heritage of the land of Sufism. Famous artists & folk dance performers included Sain Dad, Imam Dino, Agha group, Thari dancers, Chandi Faqir, Chapli dance group. The Punjab pavilion with a majestic gate included more than fifty master craftsmen and craftswomen which were seen in the artistically erected stalls practicing centuries old traditional crafts. The crafts on display were bone work, lacquer art (jundri ka kaam), Multani blue tiles, tie & dye, block-printing, wood carving, darree-weaving, khaddar-weaving, basketry, pottery, embroidery, zaradozi, metal work,

camel bone carving, okair sazi, khussa making etc. A performance area was also created at the centre of Punjab pavilion, where folk singers and musicians attired in colorful costumes entertained visitors all the day. The Balochistan pavilion set up by the Balochistan Cultral department in collaboration with Lok Virsa included craftspeople, folk artists, folk musicians and dance groups. Master artisans displayed their work of traditional shoemaker, Mastung embroidery, Balochi embroidery, Makrani patti, saroz making, dhambura making and Kalat embroidery. A large troupe performed to mark the Balochi Cultural night. The galaxy of folk singers & dance groups included Pushtoon Athan dance party, Leva party (camel dance), Balochi Chaap party, Noshi and Kharan, Amanullah, Hunoor Bux, Saal Muhammad, Behar Ali, Adbul Wahid, Ali Ahmed, Muhammad Saleh, Allah Dad, Saeed Ahmed, Gul Sher, Asghar Ali, Shahzada, Ashiq Hussain and Mashooq Hussain. Khyber Pakhtunkhwa pavilion, the major attraction of Lok Mela marked by more than 20 craftsmen from different parts of the province displayed the work of wood lacquer, phulkari, embroidery, stone carving, baskets making, traditional chappal, metal work, taghar and others. Bibi Shireeni and many other Pushto hit songs made the Khyber Pakhtun Khaw Cultural night a big show on 15th April, 2012. The tunes of traditional music instruments rubab, Chitrali sitar, sarinda, daff and flute created great excitement for Pashto music fans where the leading Pushto folk singers and musicians, including Zarsanga, Khan Tehsil, Ahmed Gul, Almas Khalil, Bukhtiar Khattak, Neelo, Rafi Bano and Saeed Rehman Shino Group. The pavilion of Gilgit-Baltistan captured the cultural values of the area. Among craftsmen and craftswomen, displayed the work of Hunza embroidery, patti weaving and traditional embroidery. A cultural night with Gilgit-Baltistan was also held during the festival in which the artists and musicians including Jabir Khan Jabir, Nida Hussain, Ikram Khan, Abdul Hameed, Salim Khan, Salam Habib, Naveed Ahmad, Asif, Muneer and Sher Khan performed. A contingent of over 30 participants from government of Azad Jammu and Kashmir took part in the Lok Mela. They included ten craftspeople in the field of papier machie, wood carving, namda, gabba, Kashmiri shawl and embroidery etc. A group of Gatka dancers from Kashmir was also an integral part of culture and entertainment programme. A Kashmir cultural night was also organized wherein known vocalists and musicians gave thrilling performances to a jam-packed audience. On April 13th, 2012, an award ceremony was held. Federal Minister for National Heritage & Integration Samina Khalid Ghurki, was the chief guest on the closing ceremony. She gave away the cash awards to the winning artisans and trophies to the festival participants and sponsors. The Norwegian

Ambassador Cecile Landsverk also attended the ceremony and presented the awards. The Lok Mela was concluded on April 15th, 2012.

24) World Intellectual Property Day Celebrations

On April 26th, 2012 a panel discussion on the occasion of World Intellectual Property Day was organized by Lok Virsa in collaboration Rural Development Policy Institution (RDPI). The theme of discussion was "Traditional Knowledge, Folklore and Intellectual Property (IP) Rights in Pakistan". Federal Secretary for National Heritage & Integration Asaf Ghafoor, as chief guest, said, "Intellectual Property Right is an important subject for Pakistan, I am glad that now a lot of awareness about it is seen in the institutions and among the individuals dealing with various national projects in the country." The panelists who took part in the discussion were Khalid Javaid, Executive Director, Lok Virsa, Ahmed Saleem, South Asia Research and Resource Centre, Abdul Shakoor Sindhu, Principal Coordinator, Rural Development Policy Institute (RDPI), Dr. Nadeem Omar, Director, Centre for Civic Education, Dr. Khadim Hussain, Executive Director, Bacha Khan Research Centre, Mazhar Arif, Managing Director, School of Political and Strategic Communication, Hummera Ishfaq of International Islamic University, Karim Johar, Cultural Adviser to Gilgit-Baltistan governor. The aim and objective of the dialogue was to stimulate a discussion on the role of Intellectual property in national cultural heritage.

25) Kyrgyzstan Cultural Corner in Heritage Museum

(May 2012)

To mark the 20th anniversary of the establishment of diplomatic relations between Pakistan and Kyrgyz Republic, a cultural corner depicting the art and traditions of Kyrgyzstan society was inaugurated at National Heritage Museum on May 10, 2012. Federal Minister for National Heritage & Integration, Samina Khalid Ghurki was the chief guest while Kyrgyz Ambassador to Pakistan, H.E. Mr. Alik Orozov was also present at the occasion. The chief guest Samina Khalid Ghurki said, "Pakistan attaches high importance to its relations with Central Asian States (CAS) particularly with Kyrgyzstan. Both the countries enjoy very cordial and brotherly ties that are growing day-by-day. The creation of the Kyrgyz cultural corner will certainly enhance this friendly relationship." On the occasion, the Ambassador of Kyrgyzstan said, "Our countries are united not only by geographical proximity but also by common historical roots." Marking the

opening ceremony, a photographic exhibition on Kyrgyz Republic portraying folk life, architecture, scenic views as well as a Kyrgyz musical performance was also organized. The exhibits gifted by Kyrgyz Republic permanent display at the Museum include 32 master pieces including carpets, costumes for men and women, traditional dolls, musical instruments, folk paintings, wooden and several household items.

26) Cultural Grant by Japan for Improvement of Lok Virsa Audio Visual Centre

Furthering economic cooperation the Government of Japan has extended Cultural Grant of Japanese Yen 49.00 million to the Government of Pakistan on May 14, 2012. Dr. Waqar Masood Khan, Secretary, Economic Affairs Division and H.E. Mr. Hiroshi Oe, Ambassador of Japan to Pakistan signed the exchange of notes on behalf of respective Governments. The Cultural Grant will be utilized for the improvement of Audio Visual Equipment of the Lok Virsa. It will enhance audio/ video archive of Pakistan for students, scholars, researchers and people related to this field having video documentation of traditional cultural visual anthropology.

27) Celebration of “World Museum Day”

The World Museum Day is observed annually all over the world on 18th May with a view to highlight the importance, necessity and role of the museums for educating and enlightening people, especially younger generation about culture, heritage, history, flora and fauna, and progress of a country. Lok Virsa also celebrated the World Museum Day. On the day, Lok Virsa Executive Director Khalid Javaid said, “Museums have a great importance and role in the lives of people. There are many types of museums, some depict the indigenous culture and traditions inherited by people from their forefathers from generation to generation like museums created and operated by our institution.” A musical performance featuring folk artists and museums was organized to mark the day.

28) Folk Festival “Pakistan Week”

(June 2012)

A weeklong folk festival “Pakistan Week” with the objective to save the national heritage for future generations and also to project the soft image of Pakistan across the globe was organized by Lok Virsa in collaboration with Ministry of National Heritage & Integration on June 04, 2012. Federal

Minister for National Heritage and Integration, Samina Khalid Ghurki inaugurated the weeklong activities. The activities of Pakistan Week featured artisans-at-work with participation of craft persons from across the country to mesmerize the visitors forgetting a taste of cultural heritage. Besides other attractions, exhibition on cultural heritage was a major feature of the celebrations in which over hundred master artisans demonstrated their works in artistically designed cultural pavilions. The craft on display were embroidery (including Multani, Bhawalpuri, Hazara, Swat, Balochi and Sindhi embroidery), block printing, lacquer work, Khussa making, pottery, tie and dye, doll making, khaddar weaving, truck art, wood carving, wood work, namda and gabba, metal work, shawl weaving, zari work, motikari, traditional carpets, blue pottery, Ajrak, wax printing, stone work, wooden spoon making, pattu weaving and many others.

29) Folk Festival “Lok Mela Lahore”

A week-long 'Lok Mela Lahore' was organized by Lok Virsa under the auspices of Ministry of National Heritage and Integration at Jallo Park, Lahore on 12th June, 2012. Minister for National Heritage and Integration, Samina Khalid Ghurki, as chief guest said that cultural festival is a gift for people of Lahore by the federal government which would not only help them to get awareness about their national culture but would also provide recreational opportunity. She thanked the administration of Lok Virsa for organizing the event. Artists, artisans and a large number of people from all provinces participated in the festival. The artisans put their articles on display at the stalls set up in the festival. Singers from the provinces including Gilgit Baltistan also performed on the occasion.

III. IP Issues in Information Activities

Recognition and regulation of IP issues at entrenched and systematic level is a very recent phenomenon in Pakistan. IPO Pakistan was established on 8th August, 2005 as a focal organization for integrated management and enforcement coordination of all forms of Intellectual Property Rights in Pakistan.

It was after the establishment of IP organization that Lok Virsa also got registered most of the recorded programmes to safeguard their IP rights. However, we at Lok Virsa had to face strong issues of piracy. Our organization also issued warning notices to few of the organizations and individuals involved in piracy but never fought a legal fight because of the rampant piracy cases.

However with every passing day IPO Pakistan is becoming more and more effective to put a strong check to upcoming piracy issues and to better safeguard the IP rights.

Recommendations:

At present we do not have any IP legislation regarding traditional heritage and folklore. In order to evolve a strong IP legislation and its effective implementation we really need to conduct field surveys on one hand and on other hand we need to benefit from the world best practices in the field of IP issues regarding ICH.

Then, all cultural organizations should be taken on board with the national level research findings and world practices in hand to better develop a draft policy and legislation for the safeguarding of IP rights of intangible cultural heritage for all stages of information building and sharing.

IV. Conclusion

Appreciation of Intangible cultural heritage in its own right and its due safeguarding is something very new in all over the world. In this case the situation of developing countries like Pakistan is bleaker where we do not have very mature and very well defined organizations working for the cause of cultural heritage of the country at entrenched level.

In the same vein, organizations and systems working for the safeguarding of general IP rights are even more nascent and least established. It is now that we see world developing IP legislation and policy for the ICH. It is now that an urge and understanding is developing in the relevant organizations of Pakistan that we need to develop policy for the safeguarding of IP rights of folklore and traditional heritage.

At present, first we need to raise awareness and need to mobilise the all stakeholders on the subject. Then we need to conduct national research studies involving all stakeholders for the identification of IP rights and related issues at all stages of information building and sharing.

We highly appreciate the efforts of ICHCAP for conducting this most prestigious survey. The findings of this survey will definitely help developing an effective policy for IP rights of ICH to all those states who are eager to learn from the world best practices. Maybe we do not have much to share but we do expect to learn a lot from your hard and laborious efforts.

List of co-researchers

- **Mr Khalid Javaid**
Executive Director
Lok Virsa
- **Ms Zobia Sultana**
Deputy Director
Lok Virsa

Summary

The institute is a specialized organization with a mandate to collect, preserve/safeguard, project and disseminate the folk and traditional heritage of Pakistan.

1. Institutes Overview

Following are some current goals of Lok Virsa.

- 1) Rediscovery and Research
- 2) Cultural Store House
- 3) Cultural Revival
- 4) Cultural Projection

Also, Lok Virsa has functions such as a research centre, sound archives, and a heritage library.

2. ICH Information Activities

Lok Virsa is doing activities related to ICH information building and sharing such as:

- 1) Education about Cultural Heritage
- 2) Exhibitions
- 3) Cultural Night and Shows
- 4) Publication
- 5) Seminars and Workshops on Safeguarding Heritage
- 6) Publication: Children Folk Games of Pak, Norway
- 7) Workshop on the Protection of Endangered Kalash Heritage
- 8) Nauroz Festival
- 9) Other Folk Festivals
- 10) World Intellectual Property Day Celebrations
- 11) Etc.

3. IP Issues

It was after the establishment of IP organization that Lok Virsa got registered most of the recorded programmes to safeguard their IP rights. However, Lok Virsa had to face strong issues of piracy. It also issued warning notices to few of the organizations and individuals involved in piracy but never fought a legal fight because of the rampant piracy cases.

IPO Pakistan is becoming more and more effective to put a strong check to upcoming piracy issues and to better safeguard the IP rights.

4. Recommendations

At present the institute does not have any IP legislation regarding traditional heritage and folklore. In order to evolve a strong IP legislation and its effective implementation the institute really needs to conduct field surveys on one hand and on other hand it needs to benefit from the world best practices in the field of IP issues regarding ICH.

5. Conclusion

Organizations and systems working for the safeguarding of general IP rights are even more nascent and least established. It is now that we see world developing IP legislation and policy for the ICH. An urge and understanding is developing in the relevant organizations of Pakistan and Lok Virsa needs to develop policy for the safeguarding of IP rights of folklore and traditional heritage.

At present, first Lok Virsa needs to raise awareness and needs to mobilise the all stakeholders on the subject. Then the institute needs to conduct national research studies involving all stakeholders for the identification of IP rights and related issues at all stages of information building and sharing.

Annex 1 | *Questionnaire*

1. Introduction

Intangible cultural heritage (ICH), which is the source of human creativity and cultural diversity, has been diminishing since the onset of globalisation and urbanisation. In this regard, international society, working in tandem with UNESCO, has garnered public attention on ICH safeguarding, and the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted in 2003.

According to Article 13, d.iii of the 2003 Convention, States Parties should establish documentation institutions for ICH and facilitate access to them to ensure the safeguarding, development, and promotion of ICH present in each State Party's territory. This is to say, the Convention encourages managing an institute related to information building and sharing—one that collects, produces, and disseminates ICH information.

The process of ICH information building and sharing could be the cornerstone to safeguarding ICH. However, as with most kinds of information activities in other fields, the process of ICH information building and sharing includes many intellectual property (IP) issues.

Many problems could arise while collecting and creating ICH information, while processing and producing ICH information, and while disseminating and utilising ICH information. Additional, diverse problems could also develop from the communities, institutes, or individuals involved in the process.

In particular, with the development of technology and the appearance of new media, ICH intellectual property issues can manifest themselves in many ways, and these problems have expanded into much more complicated arenas.

The International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO (ICHCAP) has been concerned with IP issues related to ICH information building and sharing. To cope with these concerns, ICHCAP has endeavoured to develop a guideline for protecting IP in the process of ICH information building and sharing.

ICHCAP has proposed a project for a field survey to examine IP issues, focusing on activities of ICH information-related institutes in the Asia-Pacific region and on cases about how to deal with problems that arise in the process of ICH information building and sharing.

The survey is expected to contribute by allowing an exchange of experiences and know-how in the Asia-Pacific region to foster an environment to understand and resolve problems related to IP aspects of ICH. Furthermore, the survey results could be the foundation for developing a guideline for protecting IP rights during ICH information building and sharing.

2. Glossary

For the current survey, the terms below will have the given meanings.

- 1) Bearer
A member of a community who recognises, reproduces, transmits, transforms, creates, and forms a certain culture in and for a community. A bearer can, in addition, play one or more of the following roles: practitioner, creator, and custodian.¹
- 2) Community
People who share a self-ascribed sense of connectedness. This may be manifested, for example, in a feeling of identity or in common behaviour, as well as in activities and territories. Individuals can belong to more than one community.²
- 3) Custodian
A practitioner who has been entrusted by the community with the responsibility of safeguarding their intangible cultural heritage.³
- 4) Documentation
The recording of ICH in tangible forms.⁴
- 5) Identification
Technical description of a specific element constitutive of the ICH, often done in the context of a systematic inventory.⁵
- 6) Information Building and Sharing
A series of activities that build and utilise ICH information, such as identification, inventory making, documentation, and digitisation. The process of ICH information building and sharing consists of several stages: a stage for preparation, a stage for collecting and creating information, a stage for maintaining information, a stage for processing and producing information, and a stage for utilising and disseminating information.
- 7) Informants
Local experts from whom information about particular cultural practices is obtained, in the context of cultural field research.⁶

¹ UNESCO Glossary Intangible Cultural Heritage. Prepared by International Meeting of Experts on Intangible Cultural Heritage. The Hague, August 2002, p.4

²*Ibid.*

³*Ibid.*

⁴*Ibid.* p.5

⁵*Ibid.* p.5

⁶ Peter Seitel, *Proposed Terminology for Intangible Cultural Heritage: Towards Anthropological and Folkloristic Common Sense in a Global Era*. UNESCO International Round Table 'Intangible Cultural Heritage', 2001 p.9

8) Intangible Cultural Heritage (ICH)

Practices, representations, expressions, knowledge, and skills—as well as the instruments, objects, artefacts, and cultural spaces associated therewith—that communities, groups, and in some cases, individuals recognise as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature, and their history, and it provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.⁷

9) Intellectual Property (IP)

Legal rights that result from intellectual activity in the industrial, scientific, literary, or artistic fields.⁸ Common types of intellectual property rights include copyrights, trademarks, patents, industrial design rights, and trade secrets.

10) Inventory Making

Drawing up one or more inventories of the intangible cultural heritage present in territories to ensure identification with a view to safeguarding.⁹

11) Moral Rights

Owner's right to claim authorship of the work and to object to any distortion, mutilation, or other modification or derogatory action in relation to the said work that would be prejudicial to the owner's honour or reputation.¹⁰

12) Practitioner

A member of a community who actively reproduces, transmits, transforms, creates, and forms culture in and for the community by performing and otherwise maintaining social practices based on specialised knowledge and skills.¹¹

13) Stakeholder

Various levels of agency in ICH information building and sharing activities, including public and private institutions, and more specifically artists and creators of the cultural communities concerned.¹²

14) Subjects of ICH

Bearers, practitioners, and communities.

⁷ Art.2 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, 2003

⁸ World Intellectual Property Organization, *WIPO Intellectual Property Handbook: Law, Policy and Use*, WIPO Publication No. 489(E). p.3

⁹ Art.12.1. UNESCO Convention for the Safeguarding. *opcit*

¹⁰ Art.6Bis Berne Convention for the Protection of literary and Artistic Works, Paris Text 1971

¹¹ UNESCO Glossary Intangible Cultural Heritage. *opcit* p.5

¹² Noriko Aikawa, *State of Intangible Heritage Development in the Lead Up to the 2003 Convention*. UNESCO Shanghai meeting in the lead up to the adoption of ICH Convention. Training of the trainers. Asia and Pacific. Module 1. p.21

3. Specific Questionnaire

A. Institute Overview

- 1) Profile of the institute
 - a) What is the name of institute?
 - b) Where is the institute located? (City/Country)
 - c) Please introduce the history of institute.
 - d) What are objectives and functions of the institute?
 - e) In what country/region have your institute's activities been carried out?
 - f) What kind of ICH is your institute specialised in?
Ex) performing arts, dance, music, rituals, ceremonies, etc.

- 2) Characteristics of the institute
 - a) Your institute can be classified as
 - Government department
 - Public institution
 - Public enterprise
 - Private enterprise
 - NGO
 - Other (Please explain the classification)
 - b) Is your institute affiliated with other organisations? If yes, please describe the parent or affiliated organisations—name, classification, objectives and functions, specialisation, etc. (over 200 words in English)
 - c) What are the institution's sources of budget?
Ex) a national budget, fund-raising activities, etc.

B. Information Building and Sharing Activities of Institute

- 3) Information building and sharing activities of the institute
 - a) Please indicate the kinds of activities your institute has done or is doing.
 - Identification
 - Documentation
 - Inventory making
 - Database/Archive building
 - Publication and distribution
 - Utilising digital contents
 - Other (Please explain other activities your institute has done)

- b) Among your answers in [B-3-a], which activity does your institute mainly focus on? (multiple answers allowed)
- (1) Please explain the activity (over 250 words in English)
 - (2) If any, please also provide guidelines, internal regulations, or other principles regarding the activity.
- c) Regarding your answers in [B-3-b], please describe specific projects related to the activity by giving a set of answers below. If you have more than one project, please provide a set of answers for each one (One to three examples are recommended, but you can also give more than three examples)
- (1) Name of project
 - (2) Duty department
 - (3) Background of project (over 150 words in English)
 - (4) Context of project (over 250 words in English)
 - (5) Procedures of project
 - (6) Outcomes/Effects
- d) If you indicated in [B-3-a] that your institute did activities related to database/archive building, please provide an additional explanation about the activities.
- (1) How did/does your institute obtain ICH-related data or archives?
 - Field work and documentation
 - Purchase
 - Donation
 - Other (Please explain how your institute obtains(ed) ICH-related data or archives)

If you checked more than one answer, what is the primary way your institute obtains(ed) ICH-related data or archives? Please arrange your answer according to the order of priority.
 - (2) Please provide an index of data or archives of your institute by giving a set of answers below.
 - (a) Name of data
 - (b) Online/Offline data
 - (c) Type of data
 - Ex) text, photograph, recording, video, etc.
 - (d) Source of data
 - (Where did the data originate?)
 - (e) Context of data
 - (f) Person/Organisation who has rights on the data
 - (g) Principle/Guideline of data management, if any.

C. Intellectual Property Issues in Institute

- 4) Does your institute have experience with a project regarding IP aspects of ICH?

- Yes
- No

If yes, please describe the project by answering the questions below. If you have more than one project, please provide a set of answers for each one.

- a) Name of project
- b) Duty department
- c) Background of project (over 150 words in English)
- d) Context of project (over 250 words in English)
- e) Procedures of project
- f) Outcomes/Effects

- 5) Is there a department, a unit, or an individual undertaking tasks related to intellectual property?

- Yes
- No

If yes, please provide information below.

- a) Name of department (which covers the unit or the individual)
- b) Name of duty person (in the department, the unit)
- c) Tasks of department
 - (a) Main task
(What is the main task of the department? [over 100 words in English])
 - (b) Tasks relating to intellectual property
(Please describe the tasks that are related to intellectual property [over 100 words in English])
- d) Contact information
 - (a) Contact number and e-mail of department
 - (b) Contact number and e-mail of duty person

- 6) Does your institute have a principle for protecting IP aspects of ICH?

- Yes
- No

If yes,

- a) Please describe the principle (over 150 words in English)
- b) If any, please attach documents related to answers in [C-6-a].

D. Intellectual Property Issues in the Process of Information Building and Sharing

ICH information building and sharing constitutes a series of activities that build and utilise ICH information, such as identification, inventory making, documentation, and digitisation. The process of ICH information building and sharing consists of several stages: a stage for preparation, a stage for collecting and creating information, a stage for maintaining information, a stage for processing and producing information, and a stage for utilising and disseminating information. Each stage is detailed below.

- The stage for preparation: conducting preliminary investigations, planning activities, selecting ICH objects to be investigated, undergoing prior consultation on an activity, etc.
- The stage for collecting and creating information: conducting field surveys (interviews, recording, filming, etc.), purchasing data, receiving donations, etc.
- The stage for maintaining information: building a database, keeping the data in its original form, classifying the data, constructing a security system for the data, etc.
- The stage for processing and producing information: editing, modifying, and upgrading information collected and maintained in the previous stages towards forms of documents, videos, web pages, etc.
- The stage for utilising and disseminating information: disclosing and disseminating information produced, distributing commercially, and utilising existing information for broadcasting, advertising, publicity, etc.

The management of ICH information raises equally different intellectual property issues from one category to another, be it in the phase of preparation, collection, production, or dissemination.

In **the stage for preparation**, intellectual property issues that could arise are below.

- Problems regarding identifying the nature of rights existing in ICH that will be targeted in information building and sharing activities
 - Identifying copyrighted works
 - Identifying unpublished or unknown authors' works
- Problems regarding compliance with a country's laws and regulations or customs concerning ICH information building and sharing activities

- Identifying a country's laws and regulations or customs that could affect information building and sharing activities
- Examining the range of protection under national statutes of IP rights of ICH practitioners and creators
- Others
 - Other intellectual property issues that could arise during the preparation stage

In the stage for collecting and creating information, the stage for maintaining information, the stage for processing and producing information, and the stage for utilising and disseminating information, intellectual property issues that could arise are below, grouped into categories of IP rights.

Ownership

- Identification of the owner of the copyright and related rights in the recordings, films, or manuscripts embodying ICH
- Determination of ownership of both the database itself and its contents
- Issue of bearers' ownership rights in adaptations such as lawful inspiration or the borrowing of work based on one or several pre-existing ICH work(s)
- Custodians', owners', and/or managers' rights of ownership of secondary materials embodying ICH (secondary materials include items such as films, sound recordings, photographs, and written documents.)
- Bearers' ownership of ICH-derived materials that are legally owned by the creator of the document, recording, and/or database embodying ICH
- Issue of joint ownership in work involving ICH material

Prior Informed Consent or Approval

- Issue of an approval or an agreement related to collecting ICH information
 - Identifying the authority who has been granted power to approve (permission or agreement from bearers, practitioners, communities, or other stakeholders)
 - Determining the terms and scope of the approval or agreement from bearers, practitioners, communities, or other stakeholders

- Prior informed consent to the reproduction, use, and display of ICH material
- Bearer's, practitioner's, or community's objections to utilising and disseminating information
- Determination of the format of agreements: consent forms to access and use ICH materials, licenses, undertakings, etc.

Maintenance of Collected Information

- Determination of data classification in an area of protection under IP related law
- Determination of the database to be built according to its uniqueness in IP related law

Adaptations

- The issue of unauthorised adaptations
- Issue of legal rights that could arise during secondary utilisation of information
 - Permission from stakeholders about secondary utilisation, such as broadcasting, advertising, publicity, etc.
 - Intellectual property of the secondarily used information

Secret, Sacred, or Confidential ICH

- Issue of secrecy, sacredness, or confidentiality under customary laws and practices of ICH material collected
- Problems regarding disclosure of secret information

Access, Control, and Use

Communities' Involvement

- Determination of communities' participation in the recording, digitisation, and dissemination of ICH for safeguarding, promotional, and income-generating purposes
- Communities' involvement in the decision-making processes related to the management of ICH elements held by institutes
- Authority of ICH subjects and their capacity to manage information once produced
- Bearers' agreement on modification or transformation of ICH materials

- Determination of communities' legitimate rights holders
- Management of access and use of ICH information by communities
- General public's interests to benefit from and enjoy the information building and sharing activities of ICH

Relationships

- Issue of database users' interaction with bearers for use of ICH
- Issue of relationships between an institution that holds the material, and a bearer, be it the owner, custodian, or manager.

Terms of Use of ICH Material

- Code on management, access, and use of ICH information
- Compliance with restricted ICH use under customary laws and practices
- Establishment of IP-related protocols, policies, and practices

Infringement of Rights and Responsibilities

- Infringement of intellectual property rights existing in the ICH information
 - Copyrights in literary, musical, and artistic expressions
 - Related rights (performers', phonograms', producers', and broadcasting organisations' rights) in performances, rituals, recordings, etc.
 - Trademark in cultural names, signs, indications, marks, symbols, etc.
 - Indigenous know-how and knowledge protected under trade secrets, patent law, etc.
 - Design rights in cultural textiles, poetry, etc.
- Legal responsibilities of institutes leading the activities
 - Vis-à-vis communities from which the ICH was collected
 - Vis-à-vis users to whom ICH is delivered
 - Vis-à-vis website viewers of digitised ICH collections

Licensing

- Licensing by institutions of ICH material in a recording, database, or collection
- Terms of licensing
- Content of ICH material to be licensed
- Identification of the exact licensee and licensor

Bearers' Moral Rights

- Disclosure of ICH ownership information on any related use
- Problems regarding the determination of the range of disclosure
- Case of derogatory work related to ICH
- Respect of bearers' right to integrity

Sharing of Benefits

- Issue of respect of bearers' economic rights
 - Right to translation
 - Right to reproduction
 - Right to communication to the public
 - Others
- Problems regarding the distribution of profit that comes from utilising and disseminating information
 - Economic compensation for bearers, practitioners, or communities
 - Economic compensation for other affiliated organisations or individuals, such as collectors, researchers, agencies, or collective management organisations

Unfair Use or Misuse of ICH

- Misappropriation of ICH material by an institute
- Misappropriation of ICH material by a third party

Portraits, Filming, or Reproduction of ICH Material

- Right to use for commercial purposes
- Respect of motion pictures right in ICH digitisation
- Moral rights of bearers in portraits or films
- Respect of the sacredness, secret, or sanctity of portraits or films
- Right to reproduction in digitising a photograph
- Exception to copyright in cases of promotional or educational purposes

Use of ICH as Trademark, Geographical Indication, or Domain Name

- Bearers' approval in using ICH material as logos or product identifiers
- Misuse of cultural words as trade name, domain name, or geographical indication

7) Have any of the above issues arisen in any of the stages at your institute?

- Yes
- No

If yes, please describe the issue by answering the questions below. If you have more than one issue, please provide a set of answers for each one.

a) Please explain the activity your institute did.

(a) Name of project

(b) Sort of activity

(What kind of information building and sharing activities did your institute do in the project?)

Ex) identification, documentation, inventory making, database building, etc.

(c) Objective of project

b) What kinds of issues have arisen?

- Problems regarding compliance with a country's laws and regulations or customs concerning ICH information building and sharing activities
- Problems regarding identifying the nature of rights existing on ICH that will be used in information building and sharing activities
- Problems regarding identifying the nature of rights existing in ICH
- Problems regarding ownership of ICH
- Problems regarding prior informed consent or approval
- Problems regarding maintenance of collected information
- Problems regarding adaptations
- Problems regarding secret, sacred, or confidential ICH
- Problems regarding bearers' moral rights
- Problems regarding sharing of benefits
- Problems regarding unfair use or misuse of ICH material
- Problems regarding portraits, filming, and reproduction
- Problems regarding the use of ICH as a trademark, geographical indication, or domain
- Other (Please indicate the issue)

c) Please indicate all stages in which the issue has arisen.

- The stage for preparation
- The stage for collecting and creating information
- The stage for maintaining information
- The stage for processing and producing information
- The stage utilising and disseminating information

- d) What was the cause and content of the issue? (over 500 words in English)
 - e) Who were the stakeholders involved with the issue?
 - f) What did the institute do to resolve the issue? Please describe the process and the results of the resolution. (over 500 words in English)
 - g) What was the institute's principle in the process of dealing with the issue?
 - h) Does your institute have a guideline, policy, or protocol regarding legal issues that could arise during the stage?
 - Yes
 - No
 If yes, please attach the copy of the guidelines, policies, or protocols.
 - i) Please attach any other forms (ex. form of agreement) that were used during the stage.
- 8) Through your institute's experience, what kind of legal issues regarding IP aspects of ICH do you think could arise in each stage? (over 400 words in English)
- 9) In relation to [D-7] and [D-8], what kind of alternatives, guidelines, policies, or protocols do you think should be prepared? (over 400 words in English)

E. Institute's Activities

Here are questions on issues that could arise in the entire process of the institute's activities.

- 10) What kind of relationship does your institute have with ICH subjects, such as informants, collectors, researchers?
 Ex) one-way asymmetrical relationship, one-way symmetrical relationship, two-way asymmetrical relationship, two-way symmetrical relationship, owner vs. custodian, etc.
- 11) Does your institute include intellectual property issues in the institute's vision, purpose, function, polices, etc.? If yes, please indicate your institute's vision, purpose, function, polices, etc. that addresses intellectual property issues.
- 12) Does your institute have a representative legal dispute regarding the institute's information building and sharing activities?
 - Yes
 - No

If yes, please describe the case. If you have had more than one case, please provide a set of answers for each one.

- a) Name of project
- b) Sort of activity
- c) Purpose of project
- d) Procedures and context (over 200 words in English)
- e) Issue activated (over 200 words in English)
- f) Response to the issue

(Who or what department was in charge of the issue? How did the department cope with the issue? Were the principles or guidelines adjusted to the case? [over 300 words in English])

- 13) Does your institute have a case of guaranteeing the rights and the participation of ICH subjects (bearers, practitioners, or communities) in the institute's information building and sharing activities?

- Yes
- No

If yes, please describe the case below. If you have more than one case, please provide a set of answers for each one.

- a) Name of project
- b) Sort of activity
- c) Purpose of project
- d) Participation of subject in the procedure (over 300 words in English)
- e) Rights of subject guaranteed
- f) Please attach related documents.

- 14) Have policies or guidelines for protecting intellectual property rights of ICH in the process of information building and sharing been well organised in your institute?

- Yes
- No

If yes, please provide information on the policy or the guideline, including

- a) Context of the policy or the guideline
- b) Please attach related forms. (ex. form of agreement)

F. Related Legislation

- 15) In your institute's country, is legislation or the legal system for the protection of cultural heritage organised?

- Yes
- No

If yes, please describe the legislation or the legal system below.

- a) Full title
- b) The relevant sections or paragraphs
- c) Date of coming into force
- d) Details of the office responsible for administering the laws
- e) Copies of laws and regulations
- f) What are issues or problems regarding IP aspects of ICH that cannot be covered by the legislation or the legal system described above?
- g) What kind of legal systems or devices need to be added for the protection of IP aspects of ICH?

If no, please provide additional information below.

- h) Legal systems or regulations expected to be issued
- i) Status of processing

G. Future Plans

In case your institute has not been equipped with policies or guidelines for protecting intellectual property related aspects of ICH, please answer the following questions.

- 16) Does your institute have plans for organising guidelines or regulations for protecting ICH intellectual property related rights in the process of information building and sharing?
 - Yes
 - No
 - a) If yes, please describe your institute's future plans (manner and context) for organising guidelines or regulations. (over 250 words in English)
 - b) If a future plan is in the process of being organised, please provide additional information below.
 - (1) Guidelines or regulations expected to be organised
 - (2) Status of processing
- 17) Does your institute have plans for projects regarding the protection of intellectual property related rights in the process of information building and sharing?
 - Yes
 - NoIf yes, please describe the project below.
 - a) Purpose of project
 - b) Term and duration
 - c) Context
 - d) Anticipated procedures

H. Other Opinions

18) Please provide any kind of information related to the purpose of this survey.

4. Contacts

Please provide contact information of the person who is in charge of this survey report.

Name	
Position	
Department	
Address	
E-mail	
Telephone	
Mobile	
Fax	

5. Reference materials

Please provide all attached materials with information below.

Distinction (relevant question)	
Form of material	
Name	
Source	
Context	

6. Results

Replies to this questionnaire should kindly be sent no later than the prearranged date to the following address.

Ms Saymin Lee (Information & Research Section)
Intangible Cultural Heritage Centre for Asia and the Pacific (ICHCAP)
National Research Institute of Cultural Heritage Bldg (4F)
132 Munji-ro, Yuseong-gu, Deajeon 305-380
Republic of Korea
Tel. +82 42 820 3513 / Fax. +82 42 820 3500

The survey may also be e-mailed to the address below, but in addition to the e-mailed materials, please kindly send the requested references materials to the above address.

E-mail: ichcap@gmail.com
smlee@ichcap.org

Reference materials can be submitted using Webhard.

Address: www.webhard.net
Id: ICHCAP
Password: ichcap

Thank you for your valuable contribution to the survey.

Annex 2 | IPO of Pakistan Ordinance

Intellectual Property Organization of Pakistan Ordinance (2005)

GOVERNMENT OF PAAKISTAN
LAW, JUSTICE AND HUMAN RIGHTS DIVISION

F. No. 2(1)/2005-Pub

Islamabad, the 4th December 2005

The following ordinance promulgated by the President is published for general information:

Ordinance No. XXI of 2005

AN ORDINANCE

*to provide for the establishment of the Intellectual Property Organization
of Pakistan*

WHEREAS it is expedient to establish the Intellectual Property Organization of Pakistan to provide for the protection of Intellectual Property Rights in Pakistan and for matters connected therewith or incidental thereto;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.- (1) This Ordinance may be called the Intellectual Property Organization of Pakistan Ordinance, 2005.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the 7th day of December 2005.

2. Definitions.- In this Ordinance, unless there is any-thing repugnant in the subject or context,-

(a) "Board" means the Policy Board constituted under section 4;

(b) "Chairman" means the Chairman of the Board and Head of the Organization;

(c) "Director General" means the Director-General appointed under section 8;

- (d) "Federal Government" means the Cabinet Division;
- (e) "Intellectual Property" includes a patent, industrial design, layout-design (topographies) of integrated circuits, copyright and related rights, service mark, trade mark, trade name, undisclosed information or trade secrets, traditional knowledge, geographical indications, technical know-how and ideas for new products and markets, including the commercial information about customer or any combination thereof;
- (f) "Member" means a member of the Board;
- (g) "Organization" means the Intellectual Property Organization of Pakistan established under section 3;
- (h) "prescribed" means prescribed by rules;
- (i) "rules" means the rules made under this Ordinance;
- (j) "regulations" means the regulations made under this Ordinance; and
- (k) "schedule" means a schedule to this Ordinance.

3. Establishment of the Organization.- (1) There shall be established an organization to be known as Intellectual Property Organization of Pakistan to carry out the purposes of this Ordinance.

(2) The Organization shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this Ordinance, to hold and dispose of the property both movable and immovable and shall by the said name sue and be sued.

(3) The Organization shall be an autonomous Organization under the administrative control of the Cabinet Division.

(4) The Federal Government may setup offices of the Organization at such places, as it may deem necessary, as and when required.

4. Policy Board.- (1) The Federal Government shall, by notification in the official Gazette, constitute a Policy Board of the Organization consisting of the Chairman, Vice-Chairman and such other members from the public and private sectors, as it may deem fit.

(2) Notwithstanding the composition of the Board constituted under sub-section (1), the Federal Government may increase or decrease the number of members and prescribe the qualifications and mode and manner of their appointment.

(3) The Director-General shall act as ex officio Secretary of the Board.

5. Functions and powers of the Board.- (1) The Board shall be responsible for setting of objectives and policy guidelines of the Organization in accordance with the powers and functions provided in section 11.

(2) The general direction and administration of the Organization and its affairs shall vest in the Board which shall exercise all powers, perform all functions and do all acts and things, which may be exercised, performed or done by the Organization under this Ordinance.

(3) In particular and without prejudice to the generality of the foregoing powers, the Board shall,-

- (a) promote a modern system for the protection of intellectual property rights in Pakistan;
- (b) approve policies, plans and programmes of the Organization; and
- (c) formulate procedures and necessary framework for utilization of funds generated or acquired through services, donations or grants, etc.

6. Delegation of powers.- The Board may, by general or special order in writing subject to such limitations, restrictions or conditions, delegate all or any of its powers and functions to the Chairman, Vice-Chairman or any committee of the Board, as may be constituted for the purpose, or to the Director-General as it may deem appropriate.

7. Meetings of the Board.- (1) Save as hereinafter provided, the Board shall regulate the procedure for its meetings.

(2) The meetings of the Board shall be convened by and under the directions of the Chairman.

Provided that the Federal Government may direct convening of a meeting of the Board at any time on any matter requiring a decision by the Board.

(3) The meeting of the Board shall be held at least twice a year.

(4) A simple majority of the total membership shall constitute the quorum for a meeting of the Board.

(5) The decision of the Board shall be adopted by simple majority of the Members present and voting.

8. Functions of the Chairman.- The Chairman shall be the Head of the Organization. He shall directly oversee the Director-General in the performance of his duties and responsibilities under this Ordinance, shall guide and direct him, as deemed necessary by him and shall liaise and consult with the Federal Government, on behalf of the Board, for carrying out the purposes of this Ordinance.

9. Privileges and Perquisites of the Chairman, Vice-Chairman and the Members.- The Chairman, Vice-Chairman and the Members of the Board, other than the official members, shall be entitled to such privileges and perquisites as may be prescribed.

10. Director-General.- (1) There shall be a Director-General of the Organization who shall be appointed by the Federal Government on terms and conditions as may be prescribed.

(2) The Director-General shall be the Chief Executive Officer of the Organization and shall discharge such duties and perform such functions as are assigned to him by or under this Ordinance.

(3) The Director-General shall comply with such directions that the Federal Government or the Board may give from time to time.

11. Powers and functions of the Organization.- The powers and functions of the Organization shall be to:-

(a) administer and coordinate all government systems for the protection and strengthening of intellectual property rights under the laws specified in the Schedule and the rules and regulations made thereunder;

(b) prescribe, regulate or implement measures and standards on any matter related to or connected with intellectual property right;

(c) accredit or certify and regulate any person as intellectual property agent;

(d) levy such charges or fees as may be reasonable for services and facilities provided by the Organization and its constituent offices;

(e) carry out such other works or activities as may be deemed by the Organization to be necessary, with a view to making the best use of the assets of the organization;

(f) coordinate, monitor or engage, in conjunction with other authorities, international agencies or Organizations, in any study or cooperation project related to intellectual property;

(g) enter into contracts for the supply of goods or materials or for the execution of works as may be necessary for the discharge of any of its duties and functions;

(h) supervise and coordinate the working of all intellectual property offices including the Patent Office, Trade Marks Registry and Copyright Office;

(i) evolve and maintain a system to provide access to public documents and information relating to any intellectual property kept or maintained by the Organization;

(j) advise the Government of Pakistan on policy relating to intellectual property rights;

(k) plan for development and up-gradation of the intellectual property infrastructure and capacity in Pakistan;

(l) promote education and research in the field of intellectual property;

(m) advise the Federal Government regarding the international negotiations in the area of intellectual property;

(n) engage in human resource development of its officers and staff;

(o) promote awareness about intellectual property issues in the public and private sector;

(p) liaise and interact with counterpart Intellectual Property related organizations in other countries for capacity building and exchange of information;

- (q) propose and initiate intellectual property rights legislation for the protection of intellectual property rights in Pakistan;
- (r) initiate and monitor the enforcement and protection of intellectual property rights through designated law enforcement agencies of the government and collect related data and information. The law enforcement agencies shall keep the Organization regularly and appropriately informed of their actions and operations against violations of intellectual property rights and ensure full liaison and cooperation with the Organization;
- (s) develop working manuals, references, materials and procedures in order to assist in improving the protection of intellectual property rights;
- (t) coordinate the implementation of foreign-aided technical assistance projects on intellectual property; and
- (u) perform and carry out any other act, thing or function relating to intellectual property assigned to it by the Board or the Federal Government.

12. Authentication of orders and other instruments of the Organization.- All orders, decisions and all other instruments issued by the Organization shall be authenticated only by the signatures of such officer or officers who are authorized by the Organization in this behalf.

13. Prohibition of use of certain names, marks, seals, etc.- No person shall use-

- (a) any name, mark or seal, which may resemble the name, mark or seal of the Organization or contain the expression or any abbreviation of such expression; or
- (b) any mark or trade mark in relation to any article or process containing the expression Intellectual Property Organization of Pakistan or any abbreviation of such expression.

14. Exercise of powers of the Organization by other bodies.- The Federal Government may, in consultation with the Organization, by notification in the official Gazette, direct that any power exercisable by the Organization under this Ordinance shall, in relation to such matters and subject to such conditions as may be specified in the direction, be exercisable also by such body or such organization as may be specified in the notification.

15. Certain matters to be kept confidential.- Any information coming into notice of the Organization or any of its officers in relation to any article or process, subject to the provision of this Ordinance or any other law for the time being in force shall be treated as confidential and shall not be communicated or revealed to any person :

Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Ordinance.

16. Appointment of officers, etc., by the Organization.- (1) The Organization may, with the prior approval of the Board, create posts and appoint such officers, employees, experts and consultants, as it may consider necessary for the performance of its functions.

(2) The Organization, with the approval of the Board, shall devise procedures for the appointment of its officers, employees, experts and consultants.

(3) The Organization, with the approval of the Board, shall determine the terms and conditions of service of its officers, employees, experts and consultants and shall also be competent to take disciplinary action against them.

(4) The civil servants working in the Organization shall be governed by the Civil Servants Act, 1973 (LXXI of 1973), and rules made thereunder unless absorbed in the Organization.

17. Members and officers, etc., to be public servants.- The Chairman, Vice-Chairman, Members, Director-General, officers, employees, experts and consultants of the Organization shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

18. Intellectual Property Organization of Pakistan Fund.- (1) There shall be created a fund to be known as Intellectual Property Organization of Pakistan Fund which shall vest in the Organization and shall be utilized by the Organization to meet charges in connection with its functions under this Ordinance including the payment of salaries and other remuneration to the Director-General, officers, employees, experts and consultants of the Organization.

(2) The Intellectual Property Organization of Pakistan Fund shall be financed from the following sources, namely:-

(a) grants and loans made by the Federal Government or a Provincial Government;

(b) loans, aid and donations from the national or international agencies; and

(c) revenue earned from the levy of various charges or fees, etc.

(3) The Intellectual Property of Organization Pakistan Fund shall be kept in one or more accounts maintained by the Organization, in local or foreign currency, in any scheduled bank in Pakistan and shall be operated in accordance with the directions of the Board.

19. Budget.- The Organization shall, in respect of each financial year submit for approval of the Federal Government, on such date as may be prescribed, a statement of the estimated receipts and expenditure, including requirements of foreign exchange for the next financial year.

20. Audit and accounts.- (1) The accounts of the Organization shall be maintained in the manner prescribed by the Controller General of Accounts.

(2) The Auditor-General of Pakistan shall conduct audit of the accounts of the Organization.

(3) A copy of the audit report shall be sent to the Federal Government, alongwith the comments of the Organization.

(4) The Federal Government may issue directions to the Organization for the rectification of any item objected to by the Auditor-General of Pakistan and the Organization shall comply with such directions.

21. Power to amend the Schedule.- The Federal Government may, in consultation with the Organization, amend the Schedule so as to add any entry thereto or modify or omit any entry therefrom.

22. Mode of recovery.- Any sum payable to the Organization under this Ordinance shall be recoverable as an arrear of land revenue.

23. Submission of yearly reports and returns.- (1) Within three months of the conclusion of each financial year, the Board shall submit an Annual Report to the Federal Government in respect of the activities of the Board including the status of its existing programmes, projects and further plans formulated in furtherance of its aims and objectives.

(2) The Federal Government may require the Organization to furnish it with –

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Organization;

(b) a report on any subject with which the Organization is concerned; and

(c) a copy of any document in the charge of the Organization.

24. Protection of action taken under the Ordinance.- No suit, prosecution or other legal proceeding shall lie against the Federal Government or the Organization or any person acting under the Federal Government or the Organization for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule or regulation made thereunder.

25. Exemption from any provision of this Ordinance.- The Federal Government may, by notification in the official Gazette, exempt any article or class of articles from the operation of all or any of the provisions of this Ordinance.

26. Policy directives.- The Federal Government may, as and when it considers necessary, issue policy directives to the Board in respect of its activities and the compliance of such directives shall be binding on the Board.

27. Power to make rules.- The Organization may, with the approval of the Federal Government, make rules for carrying out the purposes of this Ordinance. On approval of the rules by the Federal Government, the Federal Government shall notify the same in the official Gazette.

28. Power to make regulations.-The Organization may, with the prior approval of the Board and by notification in the official Gazette, make regulations not inconsistent with this Ordinance or the rules made thereunder to carry out the purposes of this Ordinance.

29. Integration of the Trade Marks Registry, Copyright Office and Patent Office.- Upon the commencement of this Ordinance, the Trade Marks Registry, Copyright Office and Patent Office hereinafter referred to as the said offices shall become part of the Organization, and,-

- (a) all assets rights, powers, authorities and privileges and all properties, movable and immovable, cash and bank balance, reserve funds, investment and all other interest and rights in, or arising out of such properties and all debts, liabilities and obligations of whatever kind of the said offices subsisting immediately before their integration shall stand transferred to and vest in the Organization;
- (b) all officers and other employees of the said offices shall, notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, stand absorbed and transferred to the Organization and shall be deemed to have been appointed or engaged by the Organization in accordance with the terms and conditions which shall not be less favourable than in the said offices; and no officer or other employee whose services are so absorbed and transferred shall be entitled to any compensation because of such absorption or transfer;
- (c) all debts and obligations incurred or contracts entered into or rights acquired and all matters and things engaged to be done by, with or for the said offices before their integration, shall be deemed to have been incurred, entered into, acquired or engaged to be done by or for, the Organization; and
- (d) all suits and other legal proceedings instituted by or against the said offices before their integration shall be deemed to be suits and proceedings by or against the Organization and may be proceeded or otherwise dealt with accordingly.

30. Authorities to aid the Organization.- All intellectual property enforcement authorities in the Federation and the Provinces shall render such assistance to the Organization, as may be necessary, for the protection and enforcement of intellectual property rights.

31. Removal of difficulties.- In case any difficulty arises in giving effect to this Ordinance, the Federal Government may, for the purpose of removing such difficulty, make such order as it considers expedient and any such order shall be deemed to be, and given effect to, as a part of the provisions of this Ordinance. Provided that no such power shall be exercised after the expiry of three years from the commencement of this Ordinance.

32. Repeal.- The Intellectual Property Organization of Pakistan Ordinance, 2005 (XI of 2005) is hereby repealed.

THE SCHEDULE
[see section 11(a)]

- (1) The Trade Marks Ordinance, 2001 (XIX of 2001).
- (2) The Copyrights Ordinance, 1962 (XXXIV of 1962).
- (3) The Patents Ordinance, 2000 (LXI of 2000).
- (4) The Registered Designs Ordinance, 2000 (XLV of 2000).
- (5) The Registered Layout-Designs of Integrated Circuits Ordinance, 2000 (XLIX of 2000).

Sd/-
(MOHAMMEDMIAN SOOMRO)
ACTING PRESIDENT

Sd/-
JUSTICE (RETD.)
MANSOOR AHMED
Secretary

Annex 3 | Copyright Ordinance

Copyright Ordinance (1962)
as amended by Copyright (Amendment) Ordinance, 2000
dated 29th September, 2000

An ordinance to amend and consolidate the law relating to copyright
Whereas it is expedient to amend and consolidate the law relating to copyright:
Now, therefore, in pursuance of the proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:

Chapter I
Preliminary

Short Title, Extent and Commencement

- 1.—(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. In this Ordinance, unless there is any thing 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 conversion 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 possess artistic quality;

(ii) an architectural work of art; and

(iii) any other work or artistic craftsmanship;

(ca) “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;

(ha) “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;

(hb) “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 licence” means a licence 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, a reproduction thereof otherwise than in the form of a cinematographic work;

(ii) in relation to a 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 of data or other material in any form 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 or 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 Press and Publication Ordinance, 1960 (XV of 1960);

(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 a 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 licences 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 the 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;

(zcc) “rental” means the authorization to use the original or a copy of a computer programme or a cinematographic work for a limited period of time for consideration;

(zd) “reproduction” in the case of 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 authors; and

(zh) “work of sculpture” includes casts and models. *Meaning of Copyright*

3.—(1) For the purposes 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 work 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 a translation or an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (vi);

(ix) to authorize the rental of computer programmes;

(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 sub-clauses (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 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;

(v) to authorize the rental of cinematographic works;

(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 record in the sound track of a cinematographic work;
- (iii) to cause the recording embodied in the record to be heard in public;
- (iv) to communicate the recording embodied in the record by broadcast.

(2) Any reference in subsection (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.

(3) Entitlement to copyright in compilation of data or other material shall not extend to data or other material itself and shall be without prejudice to any copyright subsisting in the data or other material, that is to say, the copyright shall subsist to the extent of compilation only.

Meaning of Publication

4.—(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 a 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 a work of sculpture or an architectural work of art, the issue of photographs and engravings of such work.

(2) If any question arises under subsection (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.

When Work not Deemed to be Published or Performed in Public

5. 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 licence or consent of the owner of the copyright.

When Work Deemed to be First Published in Pakistan

6.—(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 subsection (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.

*Nationality of Author where the Making of Unpublished Work
is Extended over Considerable Period*

7. 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.

Domicile of Corporations

8. 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. **Chapter II Copyright, Ownership of Copyright and the Rights of the Owner**

No Copyright Except as Provided in this Ordinance

9. 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.

Works in which Copyright Subsists

10.—(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.

(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.

Work of Joint Authors

11. Where, in the case of a work of joint authorship, someone 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 purpose 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.

Provision as to Designs Registrable under Act II of 1911

12.—(1) Copyright shall not subsist under this Ordinance in any design which is registered under the Patents and Designs Act, 1911 (II of 1911).

(2) Copyright in any design which is capable of being registered under the Patents and Designs Act, 1911 (II of 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 licence, by any other person. *First Owner of Copyright*

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

Provided that,

(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.

Assignment of Copyright

14.—(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 therein 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.

Mode of Assignment

15. 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.

Transmission of Copyright in Manuscript by Testamentary Disposition

16. 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.

Right of Owner to Relinquish Copyright

17.—(1) The owner of the copyright in a work may relinquish all or any of the rights comprised in the copyright by giving notice in the prescribed form to the Registrar and thereupon such rights shall, subject to the provisions of subsection (3), cease to exist from the date of the notice.

(2) On receipt of a notice under subsection (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 subsection (1).

Chapter III Term of Copyright

Term of Copyright in Published Literary, Dramatic, Musical and Artistic Works

18. Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the lifetime 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. *Term of Copyright in Posthumous Work*

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

Term of Copyright in Cinematographic Works, Records and Photographs

20.—(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.

Term of Copyright in Anonymous and Pseudonymous Work

21.—(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 subsection (1), references to the author shall, in the case of an anonymous work of joint authorship be construed,—

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

(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 subsection (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 pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors 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 purposes 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 by that author.

Term of Copyright in Government Works and in Works of International Organizations

22.—(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.

Term of Copyright in Unpublished Work

23.—(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 years 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.

Chapter IV
Rights of Broadcasting Organizations, Performers and Producers of Phonograms (Sound Recording)

Rights of Broadcasting Organizations

24.—(1) Broadcasting organizations shall enjoy the right to authorize:—

(a) the rebroadcasting of their broadcasts;

(b) the fixation of their broadcasts; and

(c) the copying of fixations made of their broadcasts.

(2) This right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the broadcast took place.

Rights of Performers and Producers of Phonograms (Sound Recording)

24A.—(1) The performers shall have the right to do or to prevent fixation of their unfixed performance and reproduction of such fixation and broadcasting by wireless means and communication to the public of their live performance.

(2) The producers of phonograms shall have the right to do or to prohibit the direct or the indirect reproduction of their fixation and any rental thereof.

(3) The rights specified in subsections (1) and (2) shall subsist for a period of fifty years computed from the end of the calendar year in which fixation was made or performance took place.

*Application of Other Provisions of this Ordinance to Broadcasting,
Performers and Producers of Phonograms*

25. Any person who, without authorization of the broadcasting organization, performers and producers of phonograms (sound recording) does or causes the doing of any of the acts referred to in sections 24 and 24A, shall be deemed to infringe the rights of the broadcasting organization, performers and producers of phonograms (sound recording) and the provisions contained in Chapters XII to XVI shall, within the limits permitted by the nature of the matter, apply to broadcasting organization, performers and producers of phonograms (sound recording) as if they were authors and works, respectively.

Definitions

26.—(a) “broadcasting” means communication to the public of sound or images or both by means of radio-diffusion, including communication by telecast, or wire, or by both, or any other means of communication;

(b) “fixation” means the incorporation of sounds or images or both in a device by means of which they can later be made aurally or visually perceivable;

(c) “phonogram” means any exclusively aural fixation of sounds of a performance or of other sounds;

(d) “producer of phonogram” means a person who, or the legal entity which, fixes the sounds of a performance or other sounds;

(e) “rebroadcasting” means the simultaneous broadcasting by one broadcasting organization of the broadcast of another broadcasting organization.

Other Rights not Affected

27. For the removal of doubts, it is hereby declared that the rights conferred upon broadcasting organizations shall not affect the copyright in any literary, dramatic, musical, artistic or cinematographic work, or in any record used in the broadcast.

Chapter V
Rights in Published Editions of Works

Protection of Typography and Term of Protection

28. The publisher of an edition of a work shall enjoy the right to authorize the making, by any photographic or similar process, of copies, intended for sale in commerce, of the typographical arrangement of the edition, and such right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the edition was first published.

Infringements, etc.

29. Any person who, without the authorization of the publisher, makes or causes the making of, by any photographic or similar process, copies, intended for sale in commerce, of the typographical arrangement of the edition or any substantial part thereof, shall be deemed to infringe the rights of the publisher, and the provisions contained in Chapters XII to XVI shall, within the limits permitted by the nature of the matter, apply to the publisher and the typographical arrangements of editions as if they were authors and works respectively.

Explanation.—“Typographical arrangement” shall include calligraphy.

Relations to Copyright

30. For the removal of doubts, it is hereby declared that subject to the provisions of subsection (2A) of section 10 the right conferred upon publishers by this Chapter shall—

(a) subsist irrespective of the question whether the edition is that of a work protected or unprotected by copyright;

(b) not affect the copyright, if any, in the literary, dramatic, musical or

artistic work itself.

Chapter VI **Performing Rights Societies**

Performing Rights Society to File Statement of Fees, Charges and Royalties

31.—(1) Every performing rights society shall, within the prescribed time and in the prescribed manner, prepare, publish and file with the Registrar, statements of all fees, charges, or royalties which it proposes to collect for the grant of licences for the performance in public of works in respect of which it has authority to grant such licences.

(2) If any such society fails, in relation to any work, to prepare, publish or file with the Registrar the statements referred to in subsection (1) in accordance with the provisions of that subsection, no action or other proceedings to enforce any remedy, civil or criminal, for infringement of the performing rights in that work shall be commenced except with the consent of the Registrar.

Objections Relating to Published Statements

32. Any person having any objections to any fees, charges or royalties or other particulars included in any statement referred to in section 31 may at any time lodge such objections in writing at the Copyright Office.

Determination of Objections

33.—(1) Every objection lodged at the Copyright Office under section 32 shall, as soon as may be, be referred to the Board and the Board shall decide such objection in the manner hereinafter provided.

(2) The Board shall, notwithstanding that no objection has been lodged, take notice of any matter which, in its opinion, is one for objection.

(3) The Board shall give notice in respect of every objection to the performing rights society concerned and shall give to such society and the person who lodged the objection a reasonable opportunity of being heard.

(4) The Board shall, after making the prescribed enquiry, make such alterations in the statements as it may think fit, and shall transmit the statements thus altered or unchanged, as the case may be, to the Registrar, who shall thereupon as soon as practicable after the receipt of such statements, publish them in the official Gazette and furnish the performing rights society concerned and the person who lodged the objection with a copy thereof.

(5) The statements of fees, charges or royalties as approved by the Board shall be the fees, charges or royalties which the performing rights society

concerned may respectively lawfully sue for or collect in respect of the issue or grant by it of licences for the performance in public of works to which such fees, charges or royalties relate.

(6) No performing rights society shall have any right of action or any right to enforce any civil or other remedy for infringement of the performing rights in any work claimed by such society against any person who has tendered or paid to such society the fees, charges or royalties which have been approved by the Board as aforesaid.

Existing Rights not Affected

34. Nothing in this Chapter shall be deemed to affect—

(a) any rights or liabilities in relation to the performing rights in work accrued or incurred before the commencement of this Ordinance; and

(b) any legal proceedings in respect of such rights or liabilities pending at such commencement.

Chapter VII Licences

Licences by Owners of Copyright

35. The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the copyright by licence in writing signed by him or by his duly authorized agent:

Provided that in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

Explanation.—When a person to whom a licence relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

Compulsory Licence in Works Withheld from Public

36.—(1) If at any time during the term of copyright in any Pakistani work which has been published or performed in public, an application is made to the Board that the owner of the copyright in the work—

(a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work and by reason of such refusal the work is withheld from the public; or

(b) has refused to allow communication to the public by broadcast of such

work or, in the case of a record, the work recorded in such record, on terms which the applicant considers reasonable; or

(c) is dead or is unknown or cannot be traced or found and republication of the work is necessary in the public interest; the Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that such refusal is not in the public interest, or that the grounds for such refusal are not reasonable or that the owner of the copyright is dead or is unknown or cannot be traced or found and republication of the work is necessary in the public interest, direct the Registrar to grant to the applicant a licence to republish the work, perform the work in public or communicate the work to the public by broadcast, 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; and thereupon the Registrar shall grant the licence to the applicant in accordance with the directions of the Board, on payment of such fee as may be prescribed.

(2) Where two or more persons have made applications under subsection (1), the licence shall be granted to the applicant who, in the opinion of the Board, would best serve the interests of the general public.

(3) The Federal Government or the Board may, upon an application by any governmental or statutory institution, in the public interest, grant a licence to reprint, translate, adapt or publish any textbook on non-profit basis.

Licence to Produce and Publish Translations

37.—(1) Any citizen of Pakistan or a person domiciled in Pakistan may apply to the Board for a licence to produce and publish a translation of a literary or dramatic work in any Pakistani language or a language ordinarily used in Pakistan not being English, French or Spanish.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar such fee as may be prescribed.

(4) When an application is made to the Board under this section, it may, after holding such inquiry as may be prescribed, direct the Registrar to grant to the applicant a licence, not being an exclusive or transferable licence, to produce and publish a translation of the work in the language mentioned in the application, on condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work

sold to the public, calculated at such rate as the Board may, in the circumstances of each case, determine in the prescribed manner:

Provided that no such licence shall be granted, unless—

(a) a translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorized by him within one year of the first publication of the work, or if a translation has been so published, it has been out of print;

(b) the applicant has proved to the satisfaction of the Board that he had requested and had been denied authorization by the owner of the copyright to produce and publish such translation or that he was unable to find the owner of the copyright;

(c) where the applicant is unable to find the owner of the copyright, he had sent a copy of his request for such authorization to the publisher whose name appears from the work, not less than two months before the application for the licence;

(d) the Board is satisfied that the applicant is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

(e) omitted;

(f) an opportunity of being heard is given wherever practicable to the owner of the copyright in the work; and

(g) the Board is satisfied, for reason to be recorded in writing, that the grant of the licence will be in the public interest.

Chapter VIII **Registration of Copyright**

Register of Copyrights, Indexes Form and Inspection of Register

38.—(1) The Registrar shall keep at the Copyright Office a register in the prescribed form to be called the Register of Copyrights in which shall be entered the names or titles of works and the names and addresses of authors, publishers and owners of copyright and such other particulars as may be prescribed.

(2) The Registrar shall also keep such indexes of the Register of Copyrights as may be prescribed.

(3) The Register of Copyrights and the indexes thereof kept under this section shall at all reasonable times be open to inspection, and any person shall

be entitled to take copies of, or make extracts from, any such register or index on payment of such fee and subject to such conditions as may be prescribed.

Registration of Copyrights

39.—(1) The author or publisher of, or the owner of, or other person interested in copyright in any work, may make an application in the prescribed form accompanied by the prescribed fee to the Registrar for entering particulars of the work in the Register of Copyrights.

(2) On receipt of an application in respect of any work under subsection (1), the Registrar shall enter the particulars of the work in the Register of Copyrights and issue a certificate of such registration to the applicant unless, for reason to be recorded in writing, he considers that such entry should not be made in respect of any work:

Provided that in the case of artistic works the Registrar shall not enter the particulars of the work in the Register of Copyrights and shall not issue a certificate of registration to the applicant unless within one month of the filing of the application, or within such extended time as the Registrar may determine, the applicant has advertised the work itself in a newspaper as may be prescribed, and send two copies thereof to the Registrar and unless within one month thereafter, or within such extended time as the Registrar may determine, not exceeding two months, the Registrar has not received any objections to the registration of particulars of the work in the Register of Copyrights.

Registration of Assignments, etc., of Copyrights

40.—(1) Any person interested in the grant of an interest in a copyright, either by assignment or licence, 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.

(2) On receipt of an application in respect of any work under subsection (1), the Registrar shall, after holding such inquiry as he deems fit, enter the particulars of the grant in the Register of Copyrights unless, for reasons to be recorded in writing, he considers that such entry should not be made in respect of any grant.

(3) The certified copy of the grant shall be retained at the Copyright Office and the original shall be returned to the person depositing it, with a certificate of registration endorsed thereon or affixed thereto.

Correction of Entries in the Register of Copyrights and Indexes, etc.

41.—(1) The Registrar may, in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights and indexes by—

(a) correcting any error in any name, address or particular; or

(b) correcting any other error which may have arisen therein by accidental slip or omission.

(2) The Board, on application of the Registrar or of any person aggrieved, may order the rectification of the Register of Copyrights by—

(a) the making of any entry wrongly omitted to be made in the Register, or

(b) the expunging of any entry wrongly made in, or remaining on, the Register, or

(c) the correction of any error or defect in the Register.

Register of Copyrights to be prima facie Evidence of Particulars Entered Therein

42.—(1) The Register of Copyrights and the indexes shall be *prima facie* evidence of the particulars entered therein and documents purporting to be copies of any entry therein or extract therefrom certified by the Registrar and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof of production of the original.

(2) A certificate of registration of copyright in a work shall be *prima facie* evidence that copyright subsists in the work and that the person shown in the certificate as the owner of the copyright is the owner of such copyright.

Chapter IX

Copyright Office, Registrar of Copyrights and Copyright Board

Copyright Office

43.—(1) There shall be established for the purposes of this Ordinance an office to be called the Copyright Office.

(2) The Copyright Office shall be under the immediate control of the Registrar of Copyrights who shall act under the superintendence and direction of the Federal Government.

(3) The Copyright Office shall have a seal the impression whereof shall be judicially noticed.

Branch of Copyright Office

43A.—(1) There shall be established for the purpose of facilitating the registration of copyrights, a Branch of the Copyright Office at such place in Pakistan as the Registrar may, with the approval of the Federal Government, determine.

(2) The Branch Office shall discharge such functions of the Copyright Office as may be notified by the Registrar from time to time.

Registrar and Deputy Registrars of Copyrights

44.—(1) The Federal Government shall, for the purposes of this Ordinance, appoint a Registrar of Copyrights and may appoint one or more Deputy Registrars of Copyrights.

(2) The Registrar shall,—

(i) sign all entries made in the Register of Copyrights kept under this Ordinance;

(ii) sign all certificates of registration of copyrights and certified copies under the seal of the Copyright Office;

(iii) exercise the powers conferred and perform the duties imposed upon him by or under this Ordinance;

(iv) be the Secretary of the Copyright Board; and

(v) shall perform such other functions as may be prescribed.

(3) A Deputy Registrar of Copyrights shall discharge, under the superintendence and direction of the Registrar, such functions of the Registrar under this Ordinance as the Registrar may, from time to time, assign to him.

(4) The Registrar may, with the approval of the Federal Government, assign any particular functions of the Registrar under this Ordinance to officers other than the Deputy Registrar of Copyrights.

Copyright Board

45.—(1) The Federal Government shall constitute a Board to be called the Copyright Board consisting of the following members, namely,—

(i) a Chairman appointed by the Federal Government;

(ii) not less than three and not more than five other members appointed by the Federal Government after consultation with the representative bodies of authors, publishers, cinematography industry and any other interest relating to copyright:

Provided that adequate representation on the Board shall, as far as possible, be given to the resident of each Province; and

(iii) the Registrar, *ex officio*.

(2) The members, including the Chairman of the Board, other than the *ex officio* member, shall hold office for such period and on such terms and conditions as may be prescribed.

(3) The Chairman shall be a person who is, or has been a Judge of a High Court, or is qualified for appointment as such Judge.

Powers and Procedure of the Board

46.—(1) The Board shall, subject to any rules that may be made under this Ordinance, have power to regulate its own procedure, including the fixing of places and times of its sittings.

(2) If there is a difference of opinion among the members of the Board in respect of any matter coming before it for decision under this Ordinance, the opinion of the majority shall prevail:

Provided that where there is no such majority the opinion of the Chairman shall prevail.

(3) The Board may authorize any of its members to exercise any of its powers under section 78 and any order made or act done in exercise of any such power by the member so authorized shall be deemed to be the order or act, as the case may be, of the Board.

(4) No act done or proceeding taken by the Board under this Ordinance shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution, of the Board.

(5) The Board shall be deemed to be a civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of Pakistan Penal Code (Act XLV of 1860).

(6) No member of the Board shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.

Chapter X

Delivery of Books and Newspapers to Public Libraries

Delivery of Books to Public Libraries

47.—(1) Subject to any rules that may be made under this Ordinance, but without prejudice to the provisions contained in section 40 of the Press and Publications Ordinance, 1960 (XV of 1960), the publisher of every book published in Pakistan after the commencement of this Ordinance, shall, notwithstanding any agreement to the contrary, deliver at his own expense, one copy of the book to each of the public libraries within thirty days from the date of its publication, and shall also furnish to it such particulars relating thereto as may be prescribed.

(2) The copy delivered to the National Library of Pakistan, Islamabad, shall be a copy of the whole book with all maps and illustrations belonging thereto finished and coloured in the same manner as the best copies of the same, and shall be bound, sewed or stitched together, and on the best paper on which any copy of the book is printed.

(3) The copy delivered to any other public library shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(4) Nothing contained in subsection (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, book-prints or other engravings belonging to the book have been made, and a copy of the first or any other edition of which book has been delivered under this section.

Delivery of Periodicals and Newspapers to Public Libraries

48. Subject to any rules that may be made under this Ordinance, but without prejudice to the provisions contained in section 36 of the Registration of Printing Press and Publications Ordinance, 1989 (VII of 1989), the publisher of every periodical or newspaper published in Pakistan shall deliver, at his own expense, one copy of each issue or such periodical or newspaper as soon as it is published to each of the public libraries, and shall also furnish to it such particulars relating thereto as may be prescribed.

Receipt for Books, Periodicals and Newspapers, Delivered

49. The person in charge of a public library (whether called a librarian or by any other name) or any other person authorized by him in this behalf to whom a copy of the book, periodical or a newspaper is delivered under section 47 or section 48, shall give to the publisher a receipt in writing therefor. *Penalty*

50. Any publisher who contravenes any provision of this Chapter or of any rule made thereunder shall be punishable with fine which may extend to five hundred rupees and, if the contravention is in respect of a book or periodical,

shall also be punishable with fine which shall be equivalent to the value of the book or periodical; and the Court trying the offence may direct that the whole or any part of the fine realized from him shall be paid, by way of compensation, to the public library to which the book, periodical or newspaper, as the case may be, ought to have been delivered.

Cognizance of Offences under this Chapter

51.—(1) No Court shall take cognizance of any offence punishable under this Chapter save on complaint made by an officer empowered in this behalf by the Federal Government by a general or special order.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Chapter.

Application of this Chapter to Books, Periodicals and Newspapers Published by Government

52. This Chapter shall also apply to books, periodicals and newspapers published by or under the authority of the Government, but shall not apply to books or periodicals meant for official use only.

**Chapter XI
International Copyright**

Provisions as to Works of Certain International Organizations

53.—(1) The Federal Government may, by notification in the official Gazette, declare that this section shall apply to such organizations as may be specified therein of which one or more sovereign powers or the Government or Governments thereof are members.

(2) Where—

(a) any work is made or first published by or under the direction or control of any organization to which this section applies;

(b) there would, apart from this section, be no copyright in the work in Pakistan at the time of the making or, as the case may be, of the first publication thereof; and

(c) either—

(i) the work is published as aforesaid in pursuance of an agreement in that behalf with the author, being an agreement which does not reserve to the author the copyright, if any, in the work, or

(ii) under section 13 any copyright in the work would belong to the

organization; there shall subsist copyright in the work throughout Pakistan except as respects its reprint, translation, adaptation or publication, by or under the authority of the Federal Government, as textbook for the purposes of teaching, study or research in educational institutions.

(3) Any organization to which this section applies which at the material time had not the legal capacity of a body corporate shall have, and be deemed at all material times to have had, the legal capacity of a body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with all legal proceedings relating to copyright.

Power to Extend Copyright to Foreign Works

54.—(1) The Federal Government may, by order published in the official Gazette, direct that all or any of the provisions of this Ordinance shall apply—

(a) to works first published in a foreign country to which the order relates in like manner as if they were first published within Pakistan;

(b) to unpublished works, or any class thereof, the authors whereof were at the time of making of the work, subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were citizens of Pakistan;

(c) in respect of domicile in a foreign country to which the order relates in like manner as if such domicile were in Pakistan;

(d) to any work of which the author was at the date of the first publication thereof, or, in a case where the author was dead at that date, was at the time of his death, a subject or citizen of a foreign country to which the order relates in like manner as if the author was a citizen of Pakistan at the date or time;

and thereupon subject to the provisions of this Chapter and of the order, this Ordinance shall apply accordingly:

Provided that—

(i) before making an order under this section in respect of any foreign country (other than a country with which Pakistan has entered into a treaty or which is a party to a convention relating to copyright to which Pakistan is also a party), the Federal Government shall be satisfied that that foreign country has made or has undertaken to make, such provisions, if any, as it appears to the Federal Government expedient to require for the protection in that country of works entitled to copyright under the provisions of this Ordinance;

(ii) the order may provide that the provisions of this Ordinance shall apply either generally or in relation to such classes of works or such classes of cases as

may be specified in the order;

(iii) the order may provide that the term of copyright in Pakistan shall not exceed that conferred by the law of the foreign country to which the order relates;

(iv) the order may provide that the provisions of this Ordinance as to delivery of copies of books to public libraries shall not apply to works first published in such foreign country except so far as is provided by the order;

(v) in applying the provisions of this Ordinance as to ownership of copyright, the order may make such modification as appears necessary, having regard to the law of the foreign country;

(vi) the order may provide that this Ordinance or any part thereof shall not apply to works made or first published, before the commencement of the order.

Power to Restrict Rights in Works of Foreign Authors First Published in Pakistan

55. If it appears to the Federal Government that a foreign country does not give, or has not undertaken to give, adequate protection to the works of Pakistani authors, the Federal Government may, by order published in the official Gazette, direct that such of the provisions of this Ordinance as confer copyright on works first published in Pakistan shall not apply to works, published after the date specified in the order, the authors whereof are subjects or citizens of such foreign country and are not domiciled in Pakistan, and thereupon those provisions shall not apply to such works.

Chapter XII Infringement of Copyright

When Copyright Infringed

56. Copyright in a work shall be deemed to be infringed—

(a) when any person, without the consent of the owner of the copyright or without a licence granted by such owner or the Registrar under this Ordinance or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Ordinance,—

(i) does anything, the exclusive right to do which is by this Ordinance conferred upon the owner of the copyright; or

(ii) permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for suspecting that such performance would be an infringement of copyright; or

(b) when any person—

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

(ii) distributes either for the purpose of trade to such an extent as to affect prejudicially the owner of the copyright, or

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

(iv) imports into Pakistan, any infringing copies of the work.

Explanation.—For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematographic work shall be deemed to be an “infringing copy”.

Certain Acts not to be Infringement of Copyright

57.—(1) The following acts shall not constitute an infringement of copyright, namely:

(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;

(b) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events—

(i) in a newspaper, magazine or similar periodical, or

(ii) by broadcast or in a cinematographic work or by means of photographs;

(c) the reproduction of a literary, dramatic, musical or artistic work for the propose of a judicial proceeding or for the purpose of a report of judicial proceeding;

(d) the publication in a newspaper of a report of an address of political nature delivered at a public meeting unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given and, except whilst the building is being used for public workshop, in a position near the lecturer, but nothing in this clause shall affect the provisions as to newspaper summaries;

(e) the reproduction of any literary, dramatic or musical work in the

certified copy made or supplied in accordance with any law for the time being in force;

(f) the reading or recitation in public of any reasonable extract from a published literary or dramatic work;

(g) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of educational institutions and so described in the title and in any advertisement issued by or on behalf of the publisher, or short passages from published literary or dramatic works, not themselves published for the use of educational institutions, in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years;

Explanation.—In the case of a work of joint authorship references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person.

(h) the reproduction or adaptation of a literary, dramatic, musical or artistic work—

(i) in the course and for the sole purpose of instruction, whether at an educational institution or elsewhere, where the reproduction or adaptation is made by a teacher or a pupil otherwise than by the use of a printing process; or

(ii) as part of the questions to be answered in an examination; or

(iii) in answers to such questions;

(i) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematographic work or a record, if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution;

(j) the making of records in respect of any literary, dramatic or musical work, if—

(i) records recording the work have previously been made by or with the licence or consent of the owner of the copyright in the work; and

(ii) the person making the records has given the prescribed notice of his intention to make the records, and has paid in the prescribed manner to the owner of the copyright in the work royalties in respect of all such records to be made by him, at the rate fixed by the Board in this behalf;

Provided that in making the records such person shall not make any alterations in, or omissions from the work, unless records recording the work subject to similar alterations and omissions have been previously made by, or with the licence or consent of the owner of the copyright, or unless such alterations and omissions are reasonably necessary for the adaptation of the work to the records in question;

(k) the causing of a recording embodied in a record to be heard in public utilizing the record,—

(i) at any premises where persons reside, as part of the amenities provided exclusively or mainly for residents therein, or

(ii) as part of the activities of a club, society or other organization which is not established or conducted for profit;

(l) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious, charitable or educational institution;

(m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the owner of copyright of such article has expressly reserved to himself the right of such reproduction;

(n) the publication in a newspaper, magazine or other periodical of a report of a lecture delivered to public;

(o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a public library or a non-profit library available for use by the public free of charge or a library attached to an educational institution for the use of such library if such book is not available for sale;

(p) the reproduction, for the purpose of research or private study or with a view to publication of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access:

Provided that where the identity of the author of any such work, or in the case of a work of joint authorship of any of the authors, is known to the library, museum or other institution, as the case may be, the provision of this clause shall apply only if such reproduction is made at a time more than fifty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known, from the death of such one of those authors who dies last;

(q) the reproduction or publication of—

(i) any matter which has been published in any official Gazette, or the report of any committee, commission, council, board or other like body appointed by the Government unless the reproduction or publication of such matter or report is prohibited by the Government;

(ii) any judgment or order of a Court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the Court, tribunal or other judicial authority, as the case may be;

(r) the making or publishing of a painting, drawing, engraving or photograph or an architectural work of art;

(s) the making or publishing of a painting, drawing, engraving or photograph of a sculpture or other artistic work if such work is permanently situated in a public place or any premises to which the public has access;

(t) the inclusion in a cinematographic work of—

(i) any artistic work permanently situated in a public place or any premises to which the public has access; or

(ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the work;

(u) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work:

Provided that he does not thereby repeat or imitate the main design of the work;

two dimensions, if the object would not appear to persons who are not experts in relation to objects of that description to be a reproduction of the artistic work;

(w) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed:

Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings or plans;

(x) in relation to a literary, dramatic or musical work recorded or reproduced in any cinematographic work, the exhibition of such work after the expiration of the term of copyright therein:

Provided that the provisions of sub-clause (ii) of clause (a), sub-clause (i) of clause (b) and clauses (f), (m), and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment—

(i) identifying the work by its title or other description; and

(ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgment of his name should be made, also identifying the author.

Explanation.—For the purposes of clause (a) or clause (b) of this subsection—

(i) in relation to a literary or dramatic work in prose, a single extract up to four hundred words, or a series of extracts (with comments interposed) up to a total of eight hundred words with no one extract exceeding three hundred words; and

(ii) in relation to a literary or dramatic work in poetry, an extract or extracts up to a total of forty lines and in no case exceeding one-fourth of the whole of any poem may be deemed to be fair dealing with such work:

Provided that in a review of a newly published work reasonably longer extracts may be deemed fair dealing with such work.

(2) The provisions of subsection (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.

Particulars to be Included in Records and Video Films

57A.—(1) No person shall publish a record in respect of any Pakistani work unless the following particulars are displayed on the record and on any container thereof, namely—

(a) the name and address of the person who has made the record;

(b) the name and address of the owner of the copyright in such work; and

(c) the year of its first publication.

(2) No person shall publish a video film in respect of any Pakistani work unless the following particulars are displayed in the video film when exhibited and on the video cassette or other container thereof, namely—

(a) if such work is a cinematographic film required to be certified for exhibition under the provisions of the Motion Pictures Ordinance, 1979 (XLIII of

1979), a copy of the certificate granted in respect of such work by the Central Board of Film Censors under subsection (3) of section 5 of that Ordinance or by any other agency authorized by the Government for the purpose;

(b) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence or consent from the owner of copyright in such work for making such video film, and

(c) the name and address of the owner of the copyright in such work.

Importation and Exportation of Infringing Copies

58.—(1) The Registrar, on application of owner of copyright or his duly authorized agent and on payment of prescribed fee, may, after making such inquiry as he may deem fit, order that no infringing copies of the work shall be imported into or exported out of Pakistan.

(2) Subject to such provisions as may be prescribed the Registrar or any person authorized by him in this behalf may enter any ship, vehicle, dock or premises where any such copies as are referred to in subsection (1) may be found and may examine such copies.

(3) All copies to which any order made under subsection (1) applies, shall be deemed to be goods of which the bringing into or exporting out of Pakistan is prohibited or restricted under the provisions of the Customs Act, 1969 (IV of 1969) and all the provisions of that Act shall have effect accordingly.

Chapter XIII Civil Remedies

Definition

59. For the purpose of this Chapter, unless the context otherwise requires, the expression “owner of copyright” shall include—

(a) an exclusive licensee;

(b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of any anonymous work of joint authorship or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise established to the satisfaction of the Board by that author or his legal representatives.

Civil Remedies for Infringement of Copyright

60.—(1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Ordinance, 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:

Provided that if the defendant proves that at the date of the infringement he was not aware that copyright subsisted in the work and he had reasonable ground for believing that copyright did not subsist in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the Court may in the circumstances deem reasonable.

(2) Where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author or the publisher, as the case may be, appears on copies of the work as published or in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case may be.

(3) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the discretion of the Court.

Special Remedies for Infringement of Copyright

60A.—(1) Where copyright in any work has been infringed and the owner of the copyright is unable to institute immediate regular legal proceedings for sufficient cause, the owner or any other person having any interest in the copyright in the work, may apply to the Court for immediate provisional orders to prevent infringement of the copyright in such work and for preservation of any evidence relating to such infringement notwithstanding that regular proceedings in the form of a suit or other civil proceedings have not yet been instituted by the owner.

(2) The Court may pass any interim orders envisaged in subsection (1) without prior notice to the defendant, if the Court is satisfied that the applicant has some interest in copyright in the work and the right of the applicant is likely to be infringed, affected or prejudiced and any delay in passing such orders is likely to cause irreparable harm to the applicant or where there is a reasonable risk of evidence, either being destroyed, hidden or removed from the jurisdiction of the Court or otherwise there is a likelihood of frustration of the intended

proceedings if immediate action could not be instituted or there is likelihood of multiplicity of proceedings in the absence of such orders.

(3) Where the copyright owner or any other person having any interest in the copyright has sought interim orders as provided in subsections (1) and (2), such orders shall cease to have effect if a suit for infringement of copyright or other civil proceedings are not initiated within a maximum period of thirty days, and where such regular proceedings have been filed by the owner of the copyright, the provisional proceedings in respect of such a work by whosoever filed shall merge into the regular proceedings.

(4) While exercising powers under subsections (1) and (2), the Court, in case of import or export of consignment containing infringing copies of works, may direct the customs authorities, in whose custody such consignment is lying for the time being to refuse release of such consignment pending decision of the matter by the Court.

Provided that where interim orders are revoked or cease to have effect due to any act or omission of the applicant, the Court may award appropriate costs to the defendant for any injury caused.

Protection of Separate Rights

61. Subject to the provisions of this Ordinance, where the several rights comprising the copyright in any work are owned by different persons, the owner of any such right shall, to the extent of that right, be entitled to the remedies provided by this Ordinance and may making the owner of any other right a party to such suit or proceeding.

Author's Special Rights

62.—(1) Notwithstanding that the author of a work may have assigned or relinquished the copyright in the work, he shall have the right to claim the authorship of the work as well as the right to restrain, or claim damages in respect of any distortion, mutilation or other modification of the said work, or any other action in relation to the said work which would be prejudicial to his honour or reputation.

(2) The right conferred upon an author of a work by subsection (1) may be exercised by the legal representatives of the author.

Rights of Owner against Persons Possessing or Dealing with Infringing Copies

63. All infringing copies of any work in which copyright subsists, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who

accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof:

Provided that the owner of the copyright shall not be entitled to any remedy in respect of the conversion of any infringing copies, if the opponent proves—

(a) that he was not aware that copyright subsisted in the work and he had reasonable ground for believing that copyright did not subsist in the work of which such copies are alleged to be infringing copies; or

(b) that he has reasonable ground for believing that such copies or plates do not involve infringement of the copyright in any work.

Restriction on Remedies in the Case of Works of Architecture

64.—(1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Nothing in section 63 shall apply in respect of the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work.

Jurisdiction of Court and Limitation

65.—(1) Every suit or other civil proceeding regarding infringement of copyright shall be instituted and tried in the Court of the District Judge, which shall ordinarily be decided within a period of twelve months.

(2) Where a petition has been filed under the proviso to subsection (1) the Board, or a Committee consisting of the Chairman and not less than two members of the Board as the Chairman may appoint, shall consider the matter, and, after giving the parties an opportunity of being heard, pass such order as it thinks fit.

(3) The decision of the Committee referred to in subsection (2) shall be deemed to be the decision of the Board.

(4) Where a matter has been referred to the Board under the proviso to subsection (1), no Court shall hear, try or entertain any suit or proceeding relating to that matter.

(5) The decision of the Board shall, subject to the provisions as to appeal, be final, and shall be executed in the manner provided in section 79.

Chapter XIII A **Prohibition of Importation and Exportation**

Prohibition

65A. No infringing copies of any work, whether themselves or depicted or applied to any article or goods or in any other form, shall be allowed to be imported into or exported out of Pakistan either by sea, air, land or through any other means of channel of communication.

Jurisdiction of Officers of Customs

65B.—(1) An officer of customs functioning under the Customs Act, 1969 (IV of 1969), may, upon an application by the owner of copyright in the work or any other person having an interest in the copyright in the work, detain any consignment intended to be imported into or exported out of Pakistan which is suspected to contain infringing copies of any work.

(2) A consignment detained under subsection (1), shall be examined by an officer of customs in the presence of the 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):

Provided that all the process of detention and examination of the consignment as provided in this section shall be completed ordinarily within a period of fifteen days of the filing of the application by the aforesaid person:

Provided further that an order passed by any officer of customs under this section shall be deemed to be an order passed under the Customs Act, 1919 (IV of 1969), and shall be appealable as such.

Release of Detained Consignment

65C. In case where the consignment intended to be imported into or exported out of Pakistan has been detained by an officer of customs under section 65B and the requirements of the first proviso to that section are not completed, the importer or exporter of such consignment, as the case may be, may apply to the concerned customs authorities for release of such goods subject to furnishing such security as may be deemed appropriate by the officer of customs.

Chapter XIV
Offences and Penalties

Offences of Infringement of Copyright or Other Rights Conferred by this Ordinance

- 66.** Any person who knowingly infringes or abets the infringement of—
- (a) the copyright in a work;
 - (ab) the rental rights in cinematographic works and computer programmes;
 - (ac) the rights of performers or producers of sound recording; or
 - (b) any other right conferred by this Ordinance,

shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one hundred thousand rupees”, or with both.

Explanation.—Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work, shall not be an offence under this section.

Penalty for Publishing Collections or Compendiums of Work which have been Adapted, Translated or Modified in any Manner without the Authority of the Owner of the Copyright

66A. Any person who knowingly publishes, or causes to be published, a collection or compendium of works which have been adapted, translated or modified in any manner without the authority of the owner of the copyright in the original works, or who fraudulently employs a title which tends to mislead the public or create confusion with another work published earlier, shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one hundred thousand rupees or with both.

Penalty for Unauthorized Reproduction or Distribution of Counterfeit Copies of Sound Recording and Cinematographic Work

66B. Any person who unauthorizedly makes or distributes counterfeit of sound recording and cinematographic work for the purpose of business, profit or gain shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

Penalty for Exploitation and Appropriation of Recording or Audio-Visual Work Intended for Private Use

66C. Any person who for the purpose of business, profit or gain, exploits or appropriates any sound recording or audio-visual work intended for private use,

shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

Penalty for Making Copies or Reproduction in Excess of those Authorized by the Copyright Owner or his Successor in Title

66D. Any person who produces, or causes to be produced copies or reproductions in excess of the number authorized by the copyright owner or his successor-in-title, shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

Penalty for Unauthorized Rental of Cinematographic Works and Computer Programmes

66E. Any person who, without authorization of the copyright owner or his licensee rents out the original or copies of the cinematographic works or computer programmes, shall be punishable with imprisonment which may extend to three years or with fine which may extend to one hundred thousand rupees or with both. *Possession of Plates for Purpose of Making Infringing Copies*

67. If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees or with both.

Penalty for Making False Entries in the Register, etc., or Producing or Tendering False Evidence

68. Any person who—

(a) makes or causes to be made a false entry in the Register of Copyrights, or

(b) makes or causes to be made a writing falsely purporting to be a copy of any entry in the Register, or

(c) produces or tenders or causes to be produced or tendered as evidence any such entry or writing, knowing the same to be false,

shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both.

Penalty for Making False Statements for the Purposes of Deceiving or Influencing any Authority or Officer

69. Any person who,

(a) with a view to deceiving any authority or officer in the performance of any of his functions under any of the provisions of this Ordinance, or

(b) with a view to inducing or influencing the doing or omission of anything in relation to this Ordinance or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both.

False Attribution of Authorship, etc.

70. Whosoever—

(1) inserts or affixes the name of any person in or on a work of which that person is not the author, or in or on a reproduction of such a work, in such a way as to imply that such person is the author of the work; or

(2) publishes, or sells or lets for hire, or by way of trade offers, exposes for sale or hire, or by way of trade exhibits in public a work in or on which the name of a person has been inserted or affixed in such a way as to imply that such person is the author of the work, or the publisher of the work, who to his knowledge is not the author or the publisher, as the case may be, of such work; or

(3) does any of the acts mentioned in clause (2) in relation to or distributes, reproductions of a work, being reproductions in or on which any person's name has been inserted or affixed in such a way as to imply that such person is the author of the work, who to his knowledge is not the author of such work, or performs in public, or broadcasts the work as being the work of a particular author, who to his knowledge is not the author of such work;

shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both.

Penalty for Contravention of Section 57A

70A. Any person who publishes a record or a video film in contravention of the provisions of section 57A, shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

Enhanced Fine in the Case of Subsequent Offences

70B. Where any person convicted for an offence punishable under section 66, 66A, 66B, 66C, 66D, or 70A, is again convicted for the same offence, the said

section shall have effect as if for the words “one hundred thousand” therein the words “two hundred thousand” were substituted.

Offences by Companies

71.—(1) Where any offence under this Ordinance has been committed by a company every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where an offence under this Ordinance has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of persons; and

(b) “director” in relation to a firm means a partner in the firm. *Cognizance of Offences*

72. No Court inferior to that of a Magistrate of the First Class shall try any offence under this Ordinance.

Power of the Court to Dispose of Infringing Copies, Plates or Recording Equipment for Purpose of Making Infringing Copies

73. The Court before which any offence under this Ordinance is tried may, whether the alleged offender is convicted or not, order that all copies of the work or all plates or recording equipment in the possession of the alleged offender, which appear to it to be infringing copies, or plates, or recording equipment used or intended to be used for the purpose of making infringing copies, be destroyed or delivered to the owner of the copyright or otherwise dealt with as the Court may think fit.

Powers of Police to Seize Infringing Copies, Plates and Recording Equipment

74.—(1) Any police officer, not below the rank of Sub-inspector, shall, if he is satisfied that an offence under Chapter XIV in respect of infringement of copyright in any work has been, is being, or is likely to be committed, seize without warrant all copies of the work and all plates and recording equipment, used for the purposes of making infringed copies of the work, wherever found, and all copies, plates and recording equipment so seized shall, as soon as practicable be produced before a Magistrate:

Provided that no such copy, plate or recording equipment as is owned by any public library or a library attached to an educational institution or a non-profit library available for use by the public free of charge or is in the possession of any person for his *bona fide* use shall be seized.

(2) Any person having an interest in any copies of a work, plates or recording equipment seized under subsection (1) may, within fifteen days of such seizure, make an application to the Magistrate for such copies, plates or recording equipment being restored to him and the Magistrate after hearing the applicant and the complainant and making such further inquiry as may be necessary, shall make such order on the application as he may deem fit.

(3) All offences under this Ordinance shall be cognizable and non-bailable.

Power of Magistrate to Award Compensation for Offences under this Chapter

74A.—(1) The Magistrate may, when passing a sentence of fine, direct that an amount not exceeding 50% of the fine imposed by him but commensurate with the loss suffered by the party shall be paid as compensation to the person whose right has been infringed or to the heirs or legal representatives of such person.

(2) Payment of any compensation to any person under subsection (1) shall be without prejudice to his right to any claim in a suit or other proceeding which may be instituted, or may be pending in a Court, in relation to the same matter.

Chapter XV

Appeals

Appeals against Certain Orders of Magistrate

75. Any person aggrieved by an order made under section 73, subsection (2) of section 74 or subsection (1) of section 74A may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie, and such appellate Court may direct that execution of the order be stayed pending disposal of the appeal.

Appeals against Orders of Registrar

76. Any person aggrieved by any final decision or order of the Registrar may, within three months from the date of the decision or order, appeal to the Board:

Provided that the Registrar shall not sit as a member of the Board when the Board hears an appeal under this section.

Appeals against Orders of the Board

77.—(1) Any person aggrieved by any final decision or order of the Board, not being a decision or order of the Board, not being a decision or order made in an appeal under section 76 may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the Board under subsection (2) of section 4 and subsection (2) of section 6.

(2) In calculating the period of three months provided for an appeal under section 76 and subsection (1), the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.

Chapter XVI
Miscellaneous

Registrar and Board to Possess Certain Powers of Civil Court

78. The Registrar and the Board shall have the powers of a Civil Court when trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) requisitioning any public record or copy thereof from any Court or office;

(f) any other matter of procedure which may be prescribed.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar or the Board as the case may be, shall be the whole of Pakistan.

Order for Payment of Money Passed by Registrar or Board to be Executable as a Decree

79. Every order made by the Registrar or the Board under this Ordinance for the payment of any money or by the High Court in any appeal against any such order of the Board shall, on a certificate issued by the Registrar, the Board or the Registrar of the High Court as the case may be, be deemed to be a decree of a Civil Court and shall be executable in the same manner as a decree of such Court.

Indemnity

80. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance.

Certain Persons to be Public Servants

81. Every officer appointed under this Ordinance and every member of the Board shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

Powers to Make Rules

82.—(1) The Federal Government may, after previous publication, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, the rules may provide for all or any of the following, namely—

(a) the term of office and conditions of service of the Chairman and other members of the Board;

(b) the form of complaints and applications to be made, and the licences to be granted under this Ordinance;

(c) the procedure to be followed in connection with any proceeding before the Registrar of the Board;

(d) the manner of determining any royalties payable under this Ordinance and the security to be taken for the payment of such royalties;

(e) the form of Register of Copyrights to be kept under this Ordinance and the particulars to be entered therein;

(f) the matters in respect of which the Registrar and the Board shall have powers of a Civil Court;

(g) the fees which may be payable under this Ordinance;

(h) the regulation of business of the Copyright Office and of all things by this Ordinance placed under the direction or control of the Registrar.

Repeal

83. The Copyright Act, 1914 (III of 1914), and the Copyright Act of 1911 passed by the Parliament of the United Kingdom (1-2, Geo, 5 Ch. 46), as modified in its application to Pakistan by the Copyright Act, 1914 (III of 1914), are hereby repealed.

Savings and Transitory Provisions

84.—(1) Where any person has before the commencement of this Ordinance taken any action whereby he has incurred any expenditure or liabilities in connection with the reproduction or performance of any work in a manner which at a time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would but for the coming into force of this Ordinance, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such actions which are subsisting and valuable at the said date, unless the person who by virtue of this Ordinance, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as failing agreement, may be determined by the Board.

(2) Copyright shall not subsist by virtue of this Ordinance in any work in which copyright did not subsist immediately before the commencement of this Ordinance under any Act repealed by section 83.

(3) Where copyright subsisted in any work immediately before the commencement of this Ordinance, the rights comprising such copyright shall, as from the date of such commencement, be the rights specified in section 3 in relation to the class of works to which such work belongs, and where any new rights are conferred by that section the owner of such rights shall be—

(a) in any case where copyright in the work was wholly assigned before the commencement of this Ordinance the assignee or his successor-in-interest; and

(b) in any other case, the person who was the first owner of the copyright in the work under any Act repealed by section 83 or his legal representatives.

(4) Except as otherwise provided in this Ordinance, where any person was

entitled immediately before the commencement of this Ordinance to copyright in any work or any right in such copyright or to an interest in any such right, he shall continue to be entitled to such right or interest for the period for which he would have been entitled thereto if this Ordinance had not come into force.

(5) Nothing contained in this Ordinance shall be deemed to render any act done before its commencement an infringement of copyright if that act would not otherwise have constituted such an infringement.

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