

Regulatory Procedure

Copyright Registration Procedure



Small and Medium Enterprises Development Authority

Ministry of Industries & Production

Government of Pakistan

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1. Legal Services, SMEDA-Punjab

The Legal Services (LS) is a part of Punjab office of the Small Medium Enterprises Development Authority (SMEDA) and plays a key role in providing an overall facilitation and support to the small and medium businesses. Information dissemination among the SMEs on the existing regulatory, operational and environmental related legal matters and business to business and business to client contracting is of paramount importance and plays a pivotal role in their sustainable development.

2. Purpose of the Document

This regulatory procedure for copyright registration aims to provide a uniform information about the procedure, documentation fee and forms of copyright registration in Pakistan.

3. Disclaimer

The information contained in this template is meant to facilitate the businesses in getting uniform information about regulatory procedure of copyright registration in Pakistan.

All information contained in this document may be freely used provided that relevant acknowledgement is accurately quoted with each usage. However, SMEDA disclaims the decision based on the subject regulatory procedure / information.

4. Words and Phrases

Artistic Works	Artistic works means and includes like paintings, Maps, photographs, drawings, Charts, Calligraphies, Sculptures, Architectural Works, Label Designs, Logos, Monograms and other works alike.
Cinematographic Works	Cinematographic works means and includes movies, audio-visual works, documentaries etc.
Collective Work	Refers to any published work written in distinct parts by different authors, such as encyclopedias, dictionaries, yearbooks (or similar works), newspapers, reviews, magazines, or similar periodicals.
Copyright	Copyright is a legal instrument that provides the creator of a work of art or literature, or a work that conveys information or ideas, the right to control how the work is used.
Literary works	Literary works means and includes Books, Magazines, Journals, Lectures, Dramas, Novels, Computer programs/Software and compilation of data etc.
Record works	Means and includes sound recordings, musical works etc.

5. Relevant Law:

The laws that govern the Copyrights registration including the fee structure, regulatory and documentary requirements are as following:

- Copyright Ordinance 1962
- Copyright Rules, 1967
- Notification of Fee Revision
- Berne Convention 1886

6. Relevant Authority:

Intellectual Property Organization of Pakistan (IPO) is the sole relevant authority to deal with IP registrations. Following are the different offices of IPO all over Pakistan:

- IPO - Head Office, Islamabad
- IPO - Patent Office, Karachi
- IPO - Trademarks Registry, Karachi
- IPO - Copyrights Office, Karachi
- IPO - Regional Office, Lahore
- IPO Regional Office, Peshawar

7. What is Copyright?

Copyright protects original work of authorship fixed in any tangible medium of expression.

Original work means the work which is not copied of any existing work. Copyright is a legal right to prevent others making copies, publish, reproduce, distribute etc. of your work without your permission. Copyright gives protection only to expressions, and not to ideas, procedures, and methods of operation or mathematical concepts. It means that copyright does not give protection to idea only but it gives protection to expression of idea.

8. Works In Which Copyright Subsists

Section 10 of the ordinance provides that the 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.

In the light of the above, works covered by the copyright include, but are not limited to, novels, poems, plays, reference work, newspapers, computer programs, databases, films, musical compositions, choreography, paintings, drawings, photographs, sculpture, architecture, advertisements, maps, and technical drawings.

9. Who Is The First Owner Of Copyright?

Section 13 of the Ordinance provides that the author of a work shall be the first owner of the copyright. Authorship applies to either the individual creator or to a "work for hire". When an independent individual creates an original work he will be the first owner of copyright. Where a work is made by an employee in the course of employment and as part of the employee's usual duties, the employer will be the first owner of copyright.

10. Is Copyright Registration Necessary For Protection?

The Ordinance does not require mandatory registration of copyright but registration does provide certain rights and is highly recommended. Copyright rights are obtained automatically without its registration or other formalities. The rights under copyright law arise as soon as the author creates the work in any tangible medium. As it has been specified above that Pakistan is a member of Berne Convention 1886 for the Protection of Literary and Artistic Works, according to the Berne Convention, literary and artistic works are protected without any formalities in the countries party to that Convention. However, copyright registration provide legal protection and evidentiary value to determine ownership issue from the date of certificate of copyright issued.

11. Procedure For Registration Of Copyright:

The author or publisher or any other person interested in copyright in any work may make an application in prescribed form accompanied by the prescribed fee to the Registrar for entering particulars of the work in Register of Copyrights. For each work separate application has to be filed by the applicant. For registration of copyright the following documents are required to be submitted to the Registrar of Copyrights-Karachi:

- Application for registration in triplicate in Form-II The person applying for registration shall simultaneously send a copy of the application to every other person who may be affected and interested in the copyright of the work.
- All application for registration must be accompanied by Statement of Particulars. This statement will be submitted in triplicate.
- In addition to the Statement of Particulars, a Statement of Further Particulars in triplicate is also required to be submitted for the registration of Literary, Dramatic, Musical and Artistic works.
- Two copies of the actual work to be copyrighted.
- Where professional services are hired to create a work to be copyrighted, affidavit of that professional will be submitted along with the application stating that he does not have any right or claim regarding the work to be copyrighted.
- Registration fee of Rs. 2000/- by Demand Draft/Pay order made out in favor of DG IPO.
- For the registration of artistic work, applicant shall place an advertisement in the newspaper and submits two copies of this advertisement to the registrar copyrights. Advertisement should be placed in the prescribed format as given in the Copyright Rules.
- On receipt of application, 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. A certificate of registration of copyright in a work shall be prima facie evidence that copyrights subsists in the work and that the person shown in the certificate as the owner of the copyright is the owner of such copyright.

12. Documents Required for Registration of Copyright:

Following are the documents, as per nature of work, required by the applicant for getting copyright certificate from IPO – Pakistan.

12.1 Artistic Work

- i. 03 copies of application Form-II.
- ii. Registration Fee in the form of Demand Draft / Pay-Order in the name of Director General IPO-Pakistan.
- iii. Fee Rs. 2,000/-Artistic work (paintings, photographs, sculptures, drawings, architectural works etc.)

- iv. Fee Rs. 6,000/-Artistic work used or capable to be used or associated with goods and services (Used as a Trade Marks)
- v. 03 copies of Artistic Work.
- vi. NOC/ Affidavit for transfer of copyright from Artist/Creator
- vii. Undertaking/Affidavit for original creativity of the work.
- viii. Two original Newspaper in which the Artistic Work is advertised.
- ix. Trade Mark number of the Artistic work if it used as a Trade Mark.
- x. Vakalatnama if applied through attorney.
- xi. Any other requirement by this office as per nature of the case.

12.2 Literary Works

- i. 03 copies of application Form-II.
- ii. Registration Fee in the form of Demand Draft / Pay-Order in the name of Director General IPO-Pakistan
- iii. Fee Rs. 2,000/- Literary work other than Computer Programme/software.
- iv. Fee Rs. 5,000/- Computer Programme/software
- v. 02 copies of Literary Work
- vi. Undertaking/Affidavit for original creativity of the work.
- vii. NOC / Assignment of copyright from the copyright owner / writer of the work in favour of applicant if any.
- viii. Any other requirement by this office as per nature of the case.

12.3 Cinematographic Work

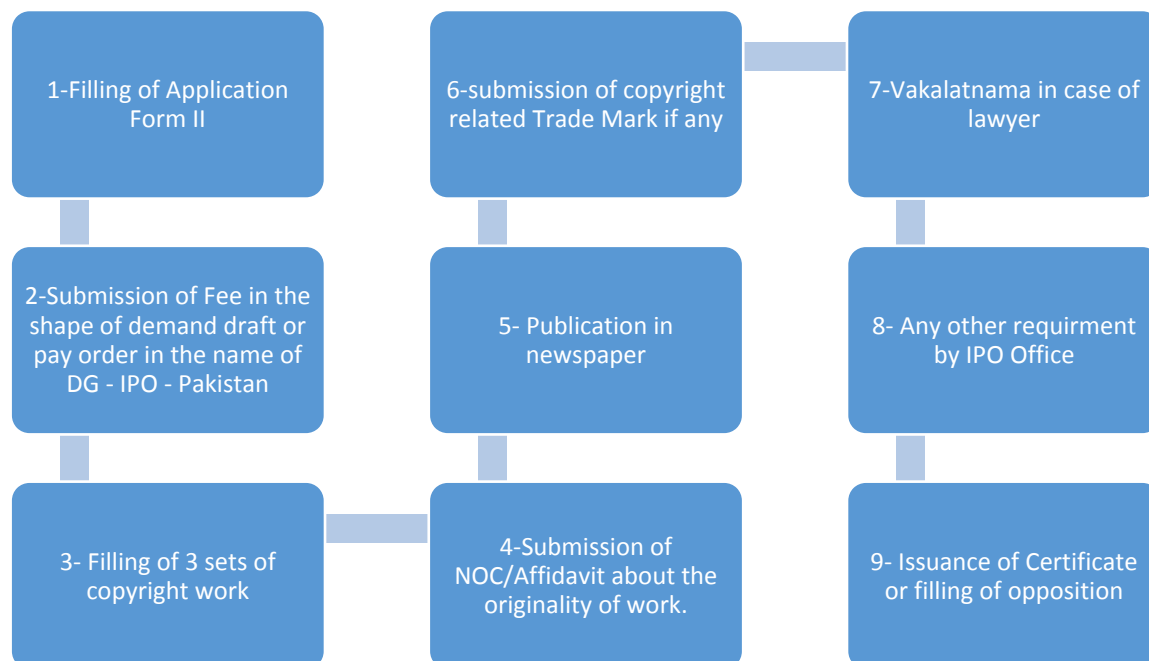
- i. 03 copies of application Form-II.
- ii. Registration Fee in the form of Demand Draft / Pay-Order in the name of Director General IPO-Pakistan
- iii. Fee Rs. 10,000/- (Movies, Dramatic works and other feature films, animated movies and games, etc.
- iv. 02 copies of Cinematographic Work in the form of Video VCD/DVD / CD/ USB.
- v. Undertaking/Affidavit for original creativity of the work (As per sample below).
- vi. NOC for assignment of copyright from the all contributors (performers / singer / lyric writer /musician etc) of the work.
- vii. Any other requirement by this office as per nature of the case.

12.4 Record Work

- i. 03 copies of application Form-II.
- ii. Registration Fee in the form of Demand Draft / Pay-Order in the name of Director General IPO-Pakistan
- iii. Fee Rs. 2,000/- (Music, sounds, songs, etc.) [Per song/sound]
- iv. Fee Rs. 2,000/- Musical work with video per song
- v. 02 copies of Records Work in the form of Audio VCD/DVD / CD / USB.

- vi. Undertaking/Affidavit for original creativity of the applicant.
- vii. NOC for assignment of copyright from the all contributors (performers /singer / lyric writer /musician etc) of the work.
- viii. Any other requirement by this office as per nature of the case.

13. Process Flow Chart of Registration of Copyright:



14. Foreign Authors

The Ordinance has distinct provisions for Pakistani and foreign works. It provides that a work published in Pakistan, will be considered to be first published in Pakistan even if this work has been published simultaneously in some other country, unless process of attaining, copyright for such work in that country is of shorter term. The work will be considered to be simultaneously published in Pakistan and in another country, if the time between the publication in Pakistan and the publication in that country does not exceed thirty days. The Ordinance also entitles a corporate body to be considered domiciled in Pakistan if it is incorporated under any law, in force, in Pakistan or it has an established place of business in Pakistan.

15. Duration of Copyrights

Section 18 of the ordinance provides that in published literary (including computer program), dramatic, musical and artistic work copyright shall subsist within the lifetime of the author until fifty years after the death of the author.

16. Infringement of Copyright

The act of copying of work, which is entitled to copyright protection, by any method, either directly or with the aid of a machine or device, constitutes an infringement of the copyright. The Ordinance provides copyright protection in the following cases:

(a) When any person without the consent of the owner of the copyright or without a license granted by owner of copyright or the Registrar under the Ordinance:

- i. Evades any of the rights given to the author of the Copyright, or
- ii. Permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for suspecting that such performance would be an infringement of the copyright.

(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.

17. Remedies for Infringement Of Copyright

There are two remedies for breach of copyright in Pakistan; civil proceedings and criminal proceedings. Accordingly, a person whose copyrights have been infringed may sue for damages, claim an injunction, claim account of the profits gained by the defendants as a result of the infringement, confiscate infringed articles etc. Recently added section of the Ordinance provides that all offences under the Ordinance are cognizable and non-bailable. The Ordinance provides that the original owner of the copyright may bring an action, which includes the person to whom an exclusive license has been granted. Amended Section of the Ordinance provides that every suit or other civil proceedings regarding infringement, at the discretion of the applicant, should be instituted and tried in the Court of the District Judge.

The Ordinance, as amended by the Amendment Act, provides that any person who knowingly infringes or facilitates the infringement of the copyright in a work (defined to include computer programs), or any other right conferred by the Ordinance will be punishable. The punishment may be in the form of imprisonment extended to three (3) years, or fine up to Rs. 100,000, or both. Additionally, the Ordinance provides that where any person convicted for an offence punishable under this law is again convicted for the same offence, he shall in such event be imposed with a fine (beside the imprisonment up to 3 years) of up to Rs. 200, 000. Recently amended section of the Ordinance now gives additional powers to the police to seize infringing copies of the work wherever found, without warrant, and all copies, plates and recording equipment seized shall, as soon as possible, be produced before a Magistrate.

18. Offences by Companies

In case of an offence committed by a company, the person who was in charge of, or was responsible for conducting business of the company is considered to be guilty of that offence and is liable to be proceeded against and punished accordingly.

19. Important Addresses

IPO Pakistan-HQs:
3rd Floor, NTC-HQs Building, Ataturk Avenue (East), Sector G-5/2, Islamabad.
Tel: +92-51-9245830-32
Fax: +92-51-9245874

IPO – Karachi Office
Syed Nasrullah
Registrar Central Copyright Office
Plot # ST 1 & 2, New Broad Casting House (Ground Floor),
Behind KDA Civic Center, Block -14, Gulshan-e-Iqbal,
Karachi- 75300, Pakistan.
Tel: +92-21-99230140
Fax: +92-21-99230140
Email: copyright@ipo.gov.pk

Mr. Muhammad Umar Ashraf
Director / In-charge Regional Office, Lahore
Basement of Lahore Chamber of Commerce Building
11-Shahrah-e-Aiwan-e-Sanat-o-Tijarat (Near China Chowk), Lahore
Tel: +92-42-99205850
Fax: +92-42-99205855
Email: lahore@ipo.gov.pk

20. Annexures:**Annexure - A****Form-II****APPLICATION FOR REGISTRATION OF COPYRIGHTS**

[SEE RULE 4 (i)]

To
The Registrar of Copyrights,
Copyright Office,
KARACHI.

Sir,

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

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

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

NAME AND ADDRESS OF THE PARTIES	DATE OF DESPATCH
<div style="border: 1px solid black; width: 400px; height: 80px; margin-bottom: 20px; position: relative;"> <div style="position: absolute; top: 5px; left: 5px; width: 95%; height: 95%; border-bottom: 1px solid black;"></div> <div style="position: absolute; bottom: 5px; left: 5px; width: 95%; height: 95%; border-bottom: 1px solid black;"></div> <div style="position: absolute; bottom: 5px; left: 5px; width: 95%; height: 95%; border-bottom: 1px solid black;"></div> </div>	<div style="border: 1px solid black; width: 200px; height: 80px; position: relative;"> <div style="position: absolute; top: 5px; left: 5px; width: 95%; height: 95%; border-bottom: 1px solid black;"></div> <div style="position: absolute; bottom: 5px; left: 5px; width: 95%; height: 95%; border-bottom: 1px solid black;"></div> <div style="position: absolute; bottom: 5px; left: 5px; width: 95%; height: 95%; border-bottom: 1px solid black;"></div> </div>

3. The prescribed fee has been paid, as per details below:-

4. Communication on the subject may be addressed to:-
 (a): Name and Address _____
 (b): Email: _____
 (c): Cell# (Whatsapp): _____
 (d): Trade Marks No: _____ (For Artistic work only, if the work is used in Trade Marks)

Yours faithfully

Place: _____

Dated: _____

(Signature)

***STATEMENT OF PARTICULARS (TO BE SENT IN TRIPLICATE)**

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

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

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

Statement Of Particulars

(To be sent in triplicate)

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

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

5. Title of the work. " _____ "
6. Language of the work.

7. Name, address and nationality of the author and if the author is dead, the date of his death:

8. Whether work is published or unpublished. _____

9. Year and country of first publication and name, address and nationality of the publisher.

10. Year and countries of subsequent publications, if any and names addresses and nationalities of the publishers.

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

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

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

14. Remarks, if any;

Place:

Dated:

(Signature)
Name

StatementOf Further Particulars

(For Literary, Dramatic, Musical and Artistic works only)

(To be sent in Triplicate)

1. If the work to be registered, whether the work is :-

(a) an original work?

(b) a translation of a work in the public domain? _____

(c) a translation of a work In which Copyright subsist? _____

(d) an adaptation of a work in public domain? _____

(e) an adoption of work in which Copyright subsists? _____

2. If the work is a translation or adaptation of a work in which Copyright subsists:-

(a) Title of the original work; _____

(b) Language of the original work; _____

(c) Name, address and nationality of the author of this original work and if the author is dead, the date of his death; _____

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

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

3. Remarks, if any _____

Place:

Dated:

(Signature)
Name

Annexure – B

TO BE PUBLISHED IN THE NEXT GAZETTE OF PAKISTAN
EXTRA ORDINARY PART-II

GOVERNMENT OF PAKISTAN
(MINISTRY OF COMMERCE & TEXTILE)
COMMERCE DIVISION

NOTIFICATION


Islamabad, the 4th March, 2019

S.R.O. _____ (I)/2019,--- In exercise of the powers conferred by sub-section (1) of section 82 of the Copyright Ordinance, 1962 (XXXIV of 1962), the Federal Government is pleased to direct that the following amendments in the Copyright Rules, 1967 shall be made w.e.f. 14-03-2019, which were, as required by the said sub-section, previously published vide its Notification No. S.R.O. 38 (KE)/2018, dated the 29th March, 2018.

In the aforesaid Rules, for the Second Schedule the following shall be substituted, namely:--

“Second Schedule
[See rule 24]

Sr.	Description.	Nature of work.	Fee Rs.
(1)	(2)	(3)	(4)
1	For a compulsory license under section 36.	per work	10000
2	For an application for a license to produce and publish a translation of a literary or dramatic work in any language under section 37.	- do -	10000
3	For an application for registration of copyright works under section 39 in:		
	(a) Literary work other than computer programme/software.	- do -	2000
	(b) Computer programme/software	- do -	5000
	(c) Artistic work (paintings, photographs, sculptures, drawings, architectural works, etc.)	- do -	2000
	(d) Artistic work used or capable to be used or associated with goods and services.	- do -	6000
	(e) Cinematographic work (movies, dramatic works and other feature films, animated movies and games, etc.)	- do -	10000
	(f) Record work (music, sounds, songs, etc.)	- - -	2000 (per song / sound)
	(g) Musical work with video.	- - -	2000 (per song)


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Deputy Director
Ministry of Commerce & Textile
(Commerce Division)
Islamabad

4	For filing of an opposition/ objection to an application for registration under section 39.	per work	6000
5	For an application for registration of an assignment of copyright under section 40	- do -	3000
6	For an application to vary the terms of copyright under section 14(2A).	- do -	6000
7	For the making of copies or taking extracts from the Register or index under section 38.	per page	300
8	For a certified copy of any other public document in the custody of the Registrar of Copyright or the Copyright Board.	- do -	300
9	For an application for prevention of importation and exportation of infringing copies under section 58.	per work	20000
10	For an application for modification of the Register of Copyrights under section 41(2).	- do -	5000
11	For an application for rectification of Register of Copyrights before the Copyright Board filed by a party aggrieved Under section 41(2).	- do -	6000
12	For filing of opposition/counter statements to application for rectification under section 41(2).	- do -	5000
13	For an application for a reference to the Board under sub-section 2 of sections 4 and 6.	- do -	5000
14	For an application for a reference for the Board under section 65 (2).	- do -	6000
15	For an appeal before the Copyright Board under section 76.	- do -	10000
16	For a notice of relinquishment of copyright under section 17	- do -	5000".

(F. No. 10(7)/2017-AOs-I)


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(Commerce Division)
Islamabad