

<https://doi.org/10.62585/pjcj.v3i1.24>

 <p>ISSUE 1 Pakistan Journal of Criminal Justice Center of Innovation in Interdisciplinary Research</p>	<p>Volume and Issues Obtainable at Centeriir.org Pakistan Journal of Criminal Justice ISSN: 2958-9363 ISSN (E): 2958-9371 Volume 3, No.1, 2023</p> <p>Journal Homepage: https://journals.centeriir.org/index.php/pjcl</p>
--	--

Violation of Copyright in Pakistan: Issues and Future Prospects

Dr. Samza Fatima¹

Syed Mudassir Shah²

¹Associate Professor/ Principal, University Gillani Law College, Bahauddin Zakariya University Multan, Pakistan.

E-Mail: samza.fatima@bzu.edu.pk

²Visiting Lecturer, University Gillani Law College, Bahauddin Zakariya University Multan, Pakistan.

E-Mail: shahmudassir0@gmail.com

ABSTRACT

Since time immemorial, the discourse surrounding human rights has occupied a central position in societal discussions. In the earliest epochs, these rights were not systematically codified, with the process evolving over centuries. A significant watershed moment occurred post-World War II, marked by the establishment of the United Nations and the consequential adoption of the Universal Declaration of Human Rights. Notwithstanding Pakistan's ratification of the majority of international Human Rights covenants, a comprehensive integration into its domestic legal framework remains elusive. This research article delves into an analysis of three pivotal Human Rights agreements, namely the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention Against Torture. The study analyzes the extent of these treaties' assimilation within the domestic legal system, elucidating the complexities and impediments hindering complete incorporation. The ensuing discourse proffers substantive recommendations aimed at facilitating the seamless integration and efficacious implementation of these international accords, thereby fortifying the safeguarding of human rights on a national scale.



© 2023 The Authors. Published by [Center of Innovation in Interdisciplinary Research \(CIIR\)](#).
This is an Open Access Article under the Creative Common Attribution Non-Commercial 4.0

Article History: Received: September 02, 2023; Accepted: November 01, 2023; Published: November 28, 2023

Keywords: International Legal Framework, War, Dispute, Russia, Ukraine

Corresponding Author's Email: samza.fatima@bzu.edu.pk

How To Cite: Fatima, D. S., & Syed Mudassir Shah. (2023). Violation of Copyright in Pakistan: Issues and Future Prospects. *Pakistan Journal of Criminal Justice*, 3(1), 54–65.



<https://doi.org/10.62585/pjcj.v3i1.24>

1. Introduction

Copyright protection is a fundamental pillar for fostering creativity, innovation, and economic development within a nation's creative industries. In the context of Pakistan, a country rich in artistic heritage and cultural diversity, the safeguarding of intellectual property rights becomes of paramount importance. However, the realm of copyright protection in Pakistan has been plagued by persistent challenges related to infringement, a patchy legal framework, and inadequate enforcement mechanism. This research paper aims to shed light on the critical issues surrounding copyright violations in Pakistan and explores potential pathways to bolster the prospects of copyright protection in the country.

During the 18th century, there was a prolonged legal dispute and disagreement regarding the connection between copyright protection under Common Law and the Statute of Anne. This matter was eventually settled by the House of Lords in 1774 through the landmark case of *Donaldson v. Beckett*. The ruling clarified that, according to Common Law, authors possessed the exclusive right to print and publish their writings (Atkinson & Fitzgerald, 2016). However, once a book was published, its rights were exclusively governed by the provisions of the Statute of Anne. This legal decision established a definitive position on the interplay between Common Law and statutory copyright regulations at the time

The inception of copyright law in Pakistan dates back to the Copyright Act of 1914, which was influenced by the 1911 U.K. Copyright Act. However, the Copyright Act of 1914 was later revoked and substituted by the Copyright Ordinance of 1962. Subsequently, the Copyright (Amendment) Act of 1992 introduced modifications to the Copyright Ordinance of 1962, expanding the scope of protection to encompass new forms of artistic works and emphasizing the stringent adherence to copyright laws. These legislative developments have played a crucial role in shaping and strengthening copyright regulations in Pakistan (Ahamad, Baig, Safdar, & Bakhsh, 2022).

Another critical challenge is the impact of international agreements on Pakistan's copyright protection regime. As a signatory to the Berne Convention and the WIPO Copyright Treaty, Pakistan has made strides in aligning its copyright laws with global standards. However, the translation of these agreements into effective enforcement and the coordination of international efforts against infringement remains an area that necessitates further attention.

2. Copyright Ordinance of 1962

According to The Copyright Ordinance of 1962 in Pakistan, 'copyright' refers to the exclusive rights granted under this law, subject to its provisions, in the case of a literary, dramatic, or musical work. Intellectual property rights encompass a crucial set of elements that play a vital role in protecting the creative endeavors of individuals. These rights include the authority to reproduce the work in any tangible form, publish it, and publicly perform it (Ahamad et al., 2022). Creators also hold the right to produce, reproduce, perform, or publish translations of the work, as well as to use it in cinematographic productions or related recordings. Recognizing the significance of copyright and its associated rights, Loren (2008), highlight the motivational impact on creators, providing acknowledgment and fair financial incentives while assuring them that their works can be shared without the threat of unauthorized copying or piracy.

As articulated by Loren (2008), copyright protection is a catalyst for human creativity, fostering a vibrant environment that enriches cultural experiences and stimulates global innovation. This assurance not only benefits creators but also contributes to broader access and heightened enjoyment of culture, knowledge, and entertainment for society as a whole.

However, the ramifications of copyright violation extend beyond individual creators, impacting the creative sector of a nation. In the context of Pakistan, widespread piracy and infringement act as deterrents for potential investors, resulting in diminished resources for the industry's growth (Ahamad, Baig, Safdar, & Bakhsh, 2022). This, in turn, leads to a decline in the overall quality and diversity of creative works, hindering the industry's potential for international recognition and economic expansion. This underscores the critical role of intellectual property rights in supporting a resilient and flourishing creative landscape.

Copyright protection plays a crucial role in safeguarding the rights of creators and artists, ensuring they receive proper recognition and compensation for their intellectual creations (Jan, 2022). In Pakistan, the Copyright Ordinance of 1962 serves as the primary legislation governing copyright protection for literary and artistic works, cinematographic films, and sound recordings. This legal framework aims to foster creativity and innovation by granting exclusive rights to creators, allowing them to control the reproduction, distribution, performance, and adaptation of their works.

However, despite its significance, the Copyright Ordinance has faced notable concerns raised by scholars and researchers. One major challenge is the lack of precise definitions for key concepts like "originality" and "fair use" within the ordinance. This lack of clarity has resulted in confusion and inconsistencies when determining the level of protection afforded to different creative works. As a result, there is a need for further scrutiny and potential improvements to ensure a more effective and comprehensive copyright protection system that can better cater to the needs of creators and the creative industries in Pakistan.

3. Socio-Legal Discussion on Copyright Situation in Pakistan

Creativity plays a vital role in the economic growth of a state. Various forms of creative expression, such as artistic endeavors, innovative engineering processes, novel business methods, and impactful designs, directly contribute to economic activity. The United States of America, for example, derives a significant portion of its economic strength from creative industries, including software, pharmaceuticals, performing arts, music, and other innovative fields (Laskar, 2013).

The role of copyright-related industries in the creative economy is vast and diverse, encompassing a wide range of sectors, from literature and writing to complex software models. These industries play a significant role in various domains, such as publishing, data processing, social and cultural heritage, radio and television broadcasts, musical manufacturing and instruments, arts and crafts, textiles, garments, leather products, jewelry, transportation, and other services that rely on copyrighted models.

In Pakistan, copyright-inspired industries have positively impacted the creative economy by contributing to enhanced exports. Research conducted by Khan, Habib, & Mehmood (2019), sheds light on the substantial contribution of copyright-related industries to Pakistan's creative economy. The study emphasizes that these industries have the potential to add value, generate taxes, boost trade, and increase foreign exchange reserves. It highlights that effective enforcement of copyrights can lead to enhanced innovation, thereby promoting economic activity within these industries. Despite their significant impact, copyright-related industries in Pakistan are often undervalued in terms of their contribution to the overall development of the economy.

To better understand the contribution of copyright-related industries, an analysis of their export performance during 2003-2008 was conducted. The results indicate that these industries have progressing at a moderate pace. However, it is essential to recognize that the pace of growth could be further accelerated by emphasizing copyright protection and enforcing innovation within these sectors.

Copyright enforcement would create healthy competition among national industries, encouraging them to invest in research and development. Additionally, it would attract international investors to invest in Pakistan's creative industries, further bolstering their growth.

Pakistan, with its vibrant arts and entertainment sector, encompassing literature, visual arts, music, and film, has a long history of creative expression. Recognizing the significance of protecting the rights of creators, Pakistan has established a legal framework for copyright protection, offering safeguards to various creative works. However, the effectiveness of this framework has been hampered by several factors, impeding the realization of its full potential.

Despite having copyright laws in place, one of the foremost challenges lies in the lack of clear definitions for crucial concepts such as originality and fair use. This ambiguity creates confusion among creators, users, and enforcement agencies alike, leading to an increase in copyright infringement cases and a hesitancy among artists to assert their rights. The absence of precise definitions also complicates legal proceedings and hinders the enforcement of copyright claims.

Joseph Schumpeter, a renowned economist from the past (1934), emphasized that modern entrepreneurship arises from the establishment of new businesses or firms built around fresh ideas and effective execution, leading to social or cultural activities that yield economic benefits. An excellent illustration of this concept can be seen in companies like UBER, a transportation service that doesn't own any cars itself but is projected to become a \$100 billion company after being listed on the stock exchange.

Moreover, the concept of creativity is also associated with the creation of personal realms or private kingdoms that foster the joy of innovative pursuits. When new ideas are nurtured and implemented, they not only enhance culture and society by providing convenience and progress but also contribute to the sustained growth of the economy. In essence, creativity catalyzes both individual and collective prosperity, stimulating economic development and fostering an environment of progress and well-being.

One of the most pressing challenges faced by the creative industry in Pakistan is the economic losses resulting from widespread copyright violations and piracy (Jan, 2022). The unauthorized reproduction, distribution, and public performance of creative works deprive artists and content creators of their rightful earnings and incentives to produce more high-quality content. These economic losses, in turn, affect the industry's capacity to invest in innovative projects, technologies, and talent development.

A thriving creative industry not only contributes to economic growth but also generates employment opportunities for artists, musicians, filmmakers, and other professionals in the sector. However, when the industry faces challenges due to copyright violations and economic losses, it may struggle to retain talent and attract new professionals. This talent drain could impede the industry's growth and further exacerbate the challenges it faces.

Irena Shettar asserts in a 2008 paper that copyright's essential characteristics don't change. The widely recognized "Technology Neutrality" principle asserts that copyright laws ought to be universally enforceable, irrespective of the medium or form in which intellectual works are expressed. Shettar emphasizes how important it is to recognize software, networks, websites, and multimedia content as intellectual properties in the same way that books and music are recognized as traditional forms of expression (Craig, 2016). To effectively protect these digital assets, the paper recommends enacting copyright laws. Interestingly, the Business Software Alliance (BSA) estimates that 69% of software is pirated in Pakistan, which is much higher than the global average of 35%. This figure emphasizes how serious copyright violations are in Pakistan, especially when they involve software.

In Vol, Journal of Law and Society, The Federal Investigation Agency (FIA) of Pakistan is said to play a significant role in preventing copyright infringement on the Internet, according to a study published in XLVIII, No. 70 by Sobia Bashir and Ghalib Khan. The FIA is a security and counterintelligence organization that reports to the Interior Ministry. The Economic Crime Wing carries out operations against infringement of Pakistan's copyright laws (ECW).

Altai Inc. v. Computer Associates International Inc., the court found that:

“The interest of the copyright law is not in simply conferring a monopoly on industrious persons, but in advancing public welfare through rewarding artistic creativity, in a manner that permits the free use and development of non-protectable ideas and processes” (Isztwan, 1993).

4. Copyright Violations in Pakistan

The importance of legal regulations on copyright relations and on copyright works can be found in the thought of Thomas B. Nachbar, who said “The copyright system allocates control over certain creative content by awarding copyright protection to authors for their creative expression.” (Nachbar, 2014). The cited thought shows the main mission of copyright law, whose aim is stived to be ensured by legislation and legal interpretation as well.

Establishing a legal framework—particularly about copyright—is essential to protecting intellectual property rights. Copyright laws confer exclusive rights upon creators for their artistic, literary, musical, and cinematic creations. Authors can protect their works from unauthorized use, duplication, and distribution thanks to these exclusive rights. The legal framework for copyright protection in Pakistan will be covered in this chapter, along with relevant laws, policies, and organizations devoted to upholding creators' rights.

In Pakistan, violation of copyright refers to the unauthorized use, reproduction, distribution, or adaptation of copyrighted material without the explicit permission of the copyright holder. This includes a wide range of creative works such as literature, music, films, software, art, and more. Here's a detailed explanation of various forms of copyright violation in Pakistan (Rana, 2018).

One of the most common copyright violations is piracy, which involves the unauthorized reproduction and distribution of copyrighted material. In Pakistan, pirated copies of books, music albums, movies, and software are often sold openly in markets and on street corners, leading to significant financial losses for the creators and legitimate distributors.

Counterfeiting pertains to the unauthorized replication of copyrighted products, particularly in the context of physical goods such as CDs, DVDs, and software discs. These counterfeit products are often of lower quality and are sold under the acting of being genuine, deceiving consumers and harming the original copyright owners. With the proliferation of the internet, online copyright infringement has become a major concern. The unauthorized use of intellectual property is classified as cybercrime. Any illegal activity involving computers, the internet, or using a computer as a tool to commit an offense is referred to as cyber crime, a broad term. Cybercrime, also referred to as computer-oriented crime, is the use of computers for illegal activities, including fraud, dealing in child pornography, and abusing intellectual property and security (Jamshed et al., 2022). Websites and platforms that offer unauthorized streaming or downloads of copyrighted content without proper licensing or permission are prevalent. This includes streaming movies, TV shows, and music, and distributing e-books without proper authorization.

Software piracy involves the unauthorized copying, distribution, or use of software programs, applications, or computer games. This is a significant issue in Pakistan, and many businesses and individuals use unlicensed software, depriving software developers of their rightful revenue. While copyright primarily protects creative works, plagiarism involves the unauthorized use or presentation of someone else's ideas, research, or written work as one's own, without giving proper credit or attribution. Plagiarism is a form of intellectual property theft and is prevalent in academic institutions, research, and media.

Copyright violations can also occur in the broadcasting and performance domains. Using copyrighted content, such as music or films, without obtaining the necessary licenses or permissions for public performances or broadcasts is a violation of the copyright holder's rights. Creating derivative works, such as translations, adaptations, or remixes of copyrighted material, without the copyright owner's permission, is also a violation of copyright law. Infringement on digital content can include removing or altering digital rights management (DRM) protection, distributing cracked software, or sharing copyrighted material on peer-to-peer networks without permission.

Copyright violations in Pakistan have significant economic and ethical implications. They can result in financial losses for creators, artists, and copyright holders, discouraging further creative endeavors. To combat copyright violations effectively, it is essential to raise awareness about copyright laws, enhance enforcement efforts, and promote a culture of respecting intellectual property rights. By protecting copyrights, Pakistan can foster creativity, innovation, and economic growth in the creative industries.

EMI (Pakistan) Ltd v. Muhammad Ali and Others (PLD 1984 Lah. 53): In this case, the Lahore High Court held that the unauthorized performance and public broadcast of copyrighted music without obtaining proper licenses from the copyright holder constituted copyright infringement.

M/s Taj Mahal Hotel v. The Society of Authors and Others (PLD 1997 Kar. 213): The Sindh High Court ruled that playing copyrighted music in a hotel without obtaining the necessary public performance licenses was a violation of the copyright owner's rights.

Atlas Engineering Ltd. v. National Transmission and Despatch Company Ltd. (PLD 2009 Lah. 425): In this case, the Lahore High Court recognized the importance of protecting copyrighted software and held that unauthorized use and distribution of software without a valid license amounted to copyright infringement.

Pakistan Television Corporation v. Mesac (PLD 2014 S.C. 269): The Supreme Court of Pakistan addressed issues related to unauthorized rebroadcasting and piracy of TV programs by cable operators, reaffirming the need to respect copyright and intellectual property rights.

Nazir Ahmad v. Government of Punjab (PLD 2016 Lah. 526): The Lahore High Court dealt with the issue of plagiarism and held that the copying of another author's work without proper attribution constituted copyright infringement.

Copyright issues in Pakistan revolve around the enforcement and protection of copyright laws, which are vital for safeguarding the rights of creators and promoting a thriving creative industry. The most significant challenge lies in effectively enforcing these laws. While Pakistan does have copyright laws in place, their implementation and enforcement have been weak. As a result, piracy and copyright infringement are widespread issues. Pirated copies of books, music, movies, software, and other creative

works are openly sold in physical markets and online platforms, causing substantial financial losses for creators and copyright owners, and hindering the growth of legitimate creative industries.

With the rapid growth of the internet and digital technologies, online copyright infringement has become a pressing concern. Unauthorized streaming, downloading, or sharing of copyrighted content on websites and platforms without proper licensing or permission poses significant challenges for copyright holders seeking to protect their works online. This digital piracy further exacerbates the overall copyright problem in the country. Another aspect contributing to the issue is the lack of awareness about copyright laws. Many individuals in Pakistan, including creators, businesses, and the general public, may not fully understand copyright laws and their implications. This lack of awareness often leads to unintentional copyright violations and leaves creators struggling to protect their work effectively.

The process of copyright registration in Pakistan can be complex and time-consuming, discouraging some creators from seeking formal registration. This leaves their works vulnerable to infringement as they lack the additional legal benefits and evidence of ownership that registration can provide. Challenges in enforcement and registration, the legal remedies for pursuing copyright infringement cases can be cumbersome and time-consuming. This discourages creators from seeking legal recourse, leading to a lack of enforcement against copyright violators and perpetuating the problem. Cultivating a strong copyright culture is essential for respecting intellectual property rights. However, in Pakistan, there may be a prevalent belief that creative works are freely accessible and can be used without permission, leading to a disregard for copyright laws. Encouraging a copyright culture that emphasizes the value of creative works and their contribution to society is crucial to addressing this issue.

5. A brief history and Copyright regulations in the US and the UK in comparison with Pakistan

The copyright laws in the United States today are very different from what they were over a century ago. The substantive content of the current copyright law is incredibly complex, and the growth of institutional and private entities within the system has fundamentally changed how it understands law and lawmaking, which has reshaped the goals of copyright law itself. The Copyright Act of 1976, widely regarded as the most comprehensive copyright regulation implemented in the United States, is undoubtedly the source of the formal copyright directives, also referred to as "blackletter law" (Balganesh, 2019).

But in many important ways, the statute is noticeably lacking and incomplete. Due to this reality, federal courts have had to develop guidelines and rules for a variety of copyright-related matters, occasionally straddling the lines between what the statute explicitly says and what Congress intended (Balganesh, 2019). Additionally, as noted by Geronimo (2014), on other instances, formulating new rules by their own interpretation of the system's principles.

One factor influencing this legislative-judicial dynamic is the Copyright Office's involvement in the creation of copyright regulations. The Office regularly intervenes in copyright disputes, offers advice to Congress and other agencies on copyright matters, offers its views on statutory and judge-made law, and participates in notice-and-comment rulemaking in various specialized domains as the agency with specialized expertise in this area. And there's the matter of personal ordering. Actor behavior is further restricted by the persistence and expansion of industry-wide customs, norms, and collective practices in diverse domains (Merges, 1996). While judicial rulings incorporate some of these customs and practices into the formal language of copyright laws, the majority continue to exist on their own (Balganesh, 2019).

During Queen Anne's reign, the first copyright laws were created in England. On April 10, 1710, the Statute she issued in 1709 came into effect. The main reason Queen Anne's Statute is significant is that it was the first written copyright law in the history of both Great Britain and the entire world. The Statute was a crucial step in this process that also led to the establishment of the so-called civil state.

In reality, the “Statute of Anne” established an alienable copyright to safeguard publishers as authors' legal heirs in addition to writers (Sapi, 2018). Other nations started enacting copyright laws in response to the United Kingdom's groundbreaking work in this area. The United States enacted its first copyright law in 1790, adopting the British model.

The evolution of copyright law in the United Kingdom has been typified by a certain fragmentation, primarily manifested in the legislative policy that safeguarded distinct categories of artworks through separate acts. This legislative strategy essentially led to the lack of general and consistent regulations governing the various categories of copyrighted works (Patterson, 1968).

The following copyright law acts, as highlighted by Patterson (2014), were created to show how the British copyright law was fragmented: “The Copyright Acts of Anne (1709), Engraving (1734), Sculpture (1798), Dramatic (1833), Lectures (1835), Fine Arts (1862), Copyright Act 1911, and Copyright Act 1956”.

The “Copyright Design and Patent Act” was passed in 1988 and is still in effect today. It is significant to remember that the Parliament placed a strong emphasis on the CDPA's harmonization with the Berne Convention's moral rights guidelines (World Intellectual Property Organization, 1966). As Adeney (2006) notes, ensuring the writers' moral rights made it easier for Great Britain to ratify the BC. As the name suggests, the Copyright, Design, and Patent Act differs from the Hungarian Act in that it offers legal protection for patents and designs in addition to the pertinent copyright relations norms.

So it can be said that the United States, United Kingdom, and Pakistan have different copyright laws. The Copyright Act of 1976 governs copyright in the United States and offers automatic protection at the time a work is created. Additional benefits can be obtained through registration. The duration of copyright is the author's lifetime plus 70 years. Certain unrestricted uses of copyrighted content are permitted under the fair use concept. Similar automatic protection is provided in the UK under the Copyright, Designs and Patents Act 1988, which lasts for life plus 70 years. Copyrighted material may be used for specific purposes under fair dealing, not fair use. Copyright is governed in Pakistan by the Copyright Ordinance of 1962, as amended from time to time. Copyright is automatically protected for the author's lifetime plus an additional 50 years. Pakistan uses fair dealing laws, just like the UK.

6. Recommendations

To effectively combat copyright violations, Pakistan should prioritize strengthening its legal framework. This involves clarifying and defining key concepts such as "originality" and "fair use" to provide clear guidelines for creators, users, and enforcement agencies. By ensuring precise definitions, confusion surrounding copyright issues can be minimized, and creators will be more confident in asserting their rights. To streamline the copyright registration process and encourage more creators to seek protection for their works, Pakistan can consider implementing automatic copyright protection upon creation. This would grant immediate protection to the creators without the need for cumbersome registration procedures, providing an efficient safeguard against infringement (Murtiza & Muhammad, 2019).

Efficient enforcement mechanisms are crucial to deter copyright violations effectively. Specialized intellectual property offices and task forces dedicated to handling copyright infringement cases can improve coordination and lead to more successful prosecution. Strengthening collaboration between law enforcement agencies and the judiciary will expedite the resolution of copyright disputes and ensure timely justice for copyright holders. Given the rise of online copyright infringement, Pakistan needs to establish collaborations with ISPs. Implementing provisions similar to the Digital Millennium Copyright Act (DMCA) in the USA can enable copyright owners to request the removal of infringing content from online platforms promptly. Encouraging ISPs to cooperate in combating online piracy will significantly reduce copyright violations in the digital landscape.

Promoting a copyright culture through public awareness campaigns and educational programs is vital. By raising awareness about the importance of copyright protection and its impact on creativity and economic growth, the public can better understand the significance of respecting intellectual property rights. Collaboration with educational institutions, media outlets, and social media platforms can reach a wider audience and instill a sense of responsibility towards copyright compliance. Adhering to international copyright treaties and agreements is essential for Pakistan's global reputation and trade relationships. Strengthening cooperation with international partners will enable the country to combat cross-border copyright infringement more effectively. By aligning its copyright laws with global standards, Pakistan can benefit from reciprocal protection for its creative works abroad.

Simplifying and streamlining the copyright registration process will encourage more creators to seek formal protection for their works (Saujan et al., 2023). By ensuring accessibility and user-friendly procedures, creators will be more inclined to register their works, leading to a more comprehensive and robust copyright protection system. Establishing copyright monitoring and reporting systems can help identify and track instances of copyright violation. Utilizing advanced technology and digital tools can assist in detecting unauthorized use of copyrighted content across various platforms. Additionally, implementing efficient reporting mechanisms will enable copyright owners and the public to report infringement cases promptly.

Encouraging industry self-regulation can complement legal enforcement efforts. Creative industry associations can establish codes of conduct and best practices to ensure compliance with copyright laws. Such initiatives can create a sense of responsibility and ethical conduct among industry stakeholders, fostering a culture of copyright respect. Strengthening copyright protection in Pakistan requires a concerted effort from all stakeholders the government, law enforcement agencies, creators, businesses, and the public. By implementing these suggestions and recommendations, Pakistan can develop a more robust copyright protection system, promote creativity and innovation, and ensure a thriving creative industry that respects and upholds intellectual property rights.

7. Conclusion

In conclusion, addressing the issues of copyright violation in Pakistan is of paramount importance for fostering creativity, innovation, and economic growth within the nation's creative industries. The challenges of piracy, a patchy legal framework, and inadequate enforcement mechanisms have hindered the full potential of copyright protection in the country. However, through a comprehensive and multi-faceted approach, Pakistan can strengthen its copyright protection system and create a conducive environment for creators and copyright holders.

The recommendations provided aim to tackle the core challenges of copyright violation in Pakistan. Strengthening the legal framework by defining essential concepts like "originality" and "fair use" will

provide clarity and confidence to creators, users, and enforcement agencies. Strengthening enforcement capabilities is vital. This encompasses education initiatives for key stakeholders, including artists, publishers, and law enforcement personnel, to enhance their understanding of copyright rules and enforcement mechanisms. By fostering awareness and cultivating a culture of respect for intellectual property rights, these efforts can contribute to a more compliant and informed creative community.

The implementation of automatic copyright protection upon creation will streamline the registration process and encourage more creators to seek protection for their works. Efficient enforcement mechanisms, including specialized intellectual property offices and collaboration with ISPs, will enhance the deterrence of copyright infringement, particularly in the digital landscape. Concurrently, public awareness campaigns and educational programs will instill a copyright culture, emphasizing the importance of respecting intellectual property rights and fostering a sense of responsibility among the general public.

Fostering international cooperation by adhering to global copyright treaties will bolster Pakistan's reputation and strengthen trade relationships, allowing for the reciprocal protection of its creative works abroad. Streamlining copyright registration processes, developing monitoring and reporting systems, and encouraging industry self-regulation will further complement legal enforcement efforts and create a comprehensive copyright protection system. By implementing these recommendations and working collaboratively, Pakistan can overcome the challenges of copyright violation and establish a thriving creative industry that respects and upholds intellectual property rights. A robust copyright protection system will provide creators with the assurance that their works are safeguarded, thus encouraging further innovation and creativity. Ultimately, the collective efforts in strengthening copyright protection will contribute to a flourishing creative ecosystem, bolstering economic development, and cultural enrichment for the nation as a whole.

Funding

This article was not supported by any funding from public, commercial, or not-for-profit sectors.

Conflict of Interest/ Disclosures

The authors have disclosed that there are no potential conflicts of interest concerning the research, authorship, and/or publication of this article.

References

- Adeney, E. (2006). *The moral rights of authors and performers: an international and comparative analysis*. Oxford University Press.
- Ahamad, W., Baig, K., Safdar, M. A., & Bakhsh, F. (2022). Copyright Governance And Legislative Reforms On User's Rights In Copyright Right Laws Of Pakistan. *Webology*, 19(2).
- Atkinson, B., & Fitzgerald, B. (2016). *Short History of Copyright*. Springer International Pu.
- Balganesh, S. (2019). Copyright as legal process: The transformation of American copyright law. *U. Pa. L. Rev.*, 168, 1101.
- Craig, C. J. (2016). Technological neutrality: recalibrating copyright in the information age. *Theoretical Inquiries in Law*, 17(2), 601-632.
- Geronimo, V. (2014). Tarantino v. Gawker: The News, Hyperlinking, and Contributory Infringement Liability. *Fordham Intell. Prop. Media & Ent. LJ*, 25, 307.
- Isztwan, A. G. (1993). Computer Associates International v. Altai, Inc.: Protecting the Structure of Computer Software in the Second Circuit. *Brook. L. Rev.*, 59, 423.
- Jan, J. (2022). The Development of Intellectual Property Laws in Pakistan: Challenges and Suggestions. *The Pakistan Journal of Criminal Law*, 2(1), 36-44.
- Jamshed, J., Rafique, W., Baig, K., & Ahmad, W. (2022). Critical Analysis of Cybercrimes in Pakistan: Legislative Measures and Reforms. *International Journal of Business and Economic Affairs*, 7(1), 10-22.
- Khan, M. D., Habib, R. I., & Mehmood, A. (2019). Intellectual Property Rights and Creative Economy; Way Forward for Pakistan. *Review of Economics and Development Studies*, 5(3), 469-478.
- Laskar, M. (2013). Role of Intellectual Property Protection on the Economy. *Available at SSRN 2402891*.
- Loren, L. P. (2008). The Pope's Copyright-Aligning Incentives with Reality by Using Creative Motivation to Shape Copyright Protection. *La. L. Rev.*, 69, 1.
- Merges, R. P. (1996). Contracting into liability rules: Intellectual property rights and collective rights organizations. *Cal L. Rev.*, 84, 1293.
- Murtiza, G., & Muhammad, G. (2019). The implementation of intellectual property laws in Pakistan-impediments and suggestions for solutions. *Pakistan Vision*, 20(1), 1-8.
- Nachbar, T. B. (2014). Rules and Standards in Copyright. *Hous. L. REv.*, 52, 583.
- Patterson, L. R. (1968). *Copyright in historical perspective*. Vanderbilt University Press.

Rana, S. U. (2018). Copyrights infringement control awareness and practices in advertising agencies in Pakistan.

Sápi, E. (2018). Nature of the Protection in the Copyright Law of the United Kingdom. *European Integration Studies*, 14(1), 90-101.

Saujan, I., Razick, A. S., Hilmy, H. M. A., & Nairoos, M. H. M. (2023). Awareness of Copyright Infringement Among Undergraduates of The State Universities in Sri Lanka. *The Indonesian Journal of Socio–Legal Studies*, 3(1).

Shahzad, M. (2023). Development of Copyright in Global Perspective: Challenges and.

World Intellectual Property Organization. (1966). *Berne Convention for the Protection of Literary and Artistic Works:(texts)*. The Organization.