THE

COPYRIGHT ORDINANCE, 1962

[XXXIV of 1962]

with

COPYRIGHT RULES, 1967

THE INTERNATIONAL COPYRIGHT ORDER, 1968

COPYRIGHT BOARD (PROCEDURE) REGULATIONS, 1981

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COPYRIGHT ORDINANCE, 1962

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THE COPYRIGHT ORDINANCE, 1962
[XXXIV of 1962]

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

1. **Short title, extend and commencement**------(1) This Ordinance may be called the Copyright Ordinance, 1962.

(2) It extends to the whole of Pakistan.

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

2. **Definitions** ----- In this Ordinance, unless there is 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 o 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 place;

(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 license" means a license which confers on the licensee or on the licensee and persons authorized by him, to the exclusion of all other persons (including the owner of the copyright), any right comprised in the copyright in a work and "exclusive licensee" shall be construed accordingly;

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

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

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

(n) "infringing copy" means,-

(i) in relation to a literary, dramatic or artistic work, a reproduction thereof otherwise than in the form of a cinematographic work;

(ii) in relation to cinematographic work, a copy of the work or a record embodying the recording in any part of the sound track associated with the film;

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

(iv) in relation to a programme in which a broadcast reproduction right subsists under section 24, a record recording the programme: if such reproduction, copy or record is made or imported in contravention of any of the provision of this Ordinance;

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

(p) "literary work" includes works on humanity, religion, social and physical sciences, tables "compilations and computer programmes, that is to say programmes recorded on any disc, tape, perforated media or other information storage device, which, if fed into or located in a computer or computer-based equipment is capable of reproducing any information"

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

(r) "musical work" means any combination of melody and harmony or either or them, printed, reduced to writing or otherwise graphically produced or reproduced;

(s) "newspapers" 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;

(t) "Pakistani work" means a literary, dramatic musical or artistic work, the author of which is citizen of Pakistan and includes a cinematographic work or record made or manufactured in Pakistan;

(u) "performance" includes any mode of visual or acoustic presentation, including any such presentation by the exhibition of a cinematographic work, or by means of broadcast or by the use of a record, or by any other means and, in relation to a lecture, includes the delivery of such lecture;

(v) "performing rights society" means a society, association or other body, whether incorporated or not, which carries on in Pakistan the business of issuing or granting licenses for the performance in Pakistan of any works in which copyright subsists;

(va) "periodical" includes a publication with distinctive title intended to appear in successive numbers or in parts at regular or irregular intervals and, as a rule, for an indefinite time, each part generally containing articles by several contributors;";

(w) "photograph" includes photo-lithograph and any work produced by any process analogous to photography but does not include any part of a cinematographic work;

(x) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative, tape, wire, optical film, or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliances by which records for the acoustic presentation of the work are or are intended to be made;

(y) "prescribed" means prescribed by rules made under 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 communicationto the public by any means of wireless diffusion whether in the form of sounds or visual images or both;

(zb) "record" means any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematographic work;

(zc) "recording" means the aggregate of the sounds embodied in and capable of being reproduced by means of a record;

(zd) "reproduction" in the case by a literary, dramatic or musical work, includes a reproduction in the form of a record or of a cinematographic work, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or if it is in three dimensions, by converting it into a two dimensional form and references to reproducing a work shall be construed accordingly;

(ze) "Registrar" means the Registrar of Copyrights appointed under section 44 and includes a Deputy Registrar of Copyrights when discharging any function of the Registrar;

(zf) "work" means any of the following works, namely: - (i) a literary, dramatic, musical or artistic work; (ii) a cinematographic work; (iii) a record;

(zg) "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other authors; and

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

3. **Meaning of Copyright.---** 1. For the purpose of this Ordinance, "copyright" means the exclusive right, by virtue of, and subject to, the provisions of this Ordinance:- -----

(a) in the case of a literary, dramatic or musical work, to do and authorize the doing of any of the following acts, namely:-

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

(ii) to publish the work;

(iii) to perform the work in public;

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

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

(vi) to broadcast the work, or to communicate the broadcast of the work to the public by a loudspeaker or any other similar instrument;

(vii) to make any adaptation of the work;

(viii) to do in relation to translation or an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (vi);

(b) in the case of an artistic work, to do or authorize the doing of any of the

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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;

(d) in the case of a record, to do or authorize the doing of any of the following acts by utilizing the record, namely:-

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

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

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

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

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

of that act in relation to a part thereof.

(3). Entitlement to copyright in compilation of data or other material shall not extent 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.

4. **Meaning of publication**----- 1. For the purposes of this Ordinance, "publication" means: -

(a) in the case of a literary, dramatic, musical or artistic work, the issue of copies of the work to the public in sufficient quantities;

(b) in the case of cinematographic work, the sale or hire or offer for sale or hire of the work or copies thereof to the public;

(c) in the case of a record, the issue of records to the public in sufficient quantities; but does not, except as otherwise expressly provided in this Ordinance, include:-

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

(ii) in the case of work of sculpture or an architectural work of art, the issue of photographs and engravings of such work.

2. If any question arises under sub-section (1) whether copies of any literary, dramatic, musical or artistic work, or records issued to the public are sufficient in quantities, it shall be referred to the Board whose decision thereon shall be final.

5. When work not deemed to be published or performed in public. ------ Except for the purposes of infringement of copyright, a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public or delivered in public, without the licence or consent of the owner of the copyright.

6. When work deemed to be first published in Pakistan.---(1). For the purposes of this Ordinance, a work published in Pakistan, shall be deemed to be first published in Pakistan, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work and a work shall be deemed to be published simultaneously in Pakistan and in another country if the time between the

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

(2). If any question arises under sub-section (1) whether the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Ordinance, it shall be referred to the Board whose decision thereon shall be final.

7. Nationality of author where the making of unpublished work is extended over considerable period.----Where in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall for the purposes of this Ordinance, be deemed to be a citizen of, or domiciled in, the country of which he was a citizen or wherein he was domiciled during the major part of that period.

8. Domicile of corporation. --- 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

9. No copyright except as provided in this Ordinance.—No person shall be entitled to copyright or any right in any work, whether published or unpublished, otherwise than under and in accordance with the provision of this Ordinance, or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

10. Works in which copyright subsists. ---- (I) 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.

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(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 process or methods of construction.

11. Work of joint author. --- Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright Iaid down by this Ordinance, the work shall be treated for the purposes of this Ordinance as if the other author or authors had been the sole author or authors thereof:

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

12. Provision as to designs registerable under Act II of 1911. --- (1) Copyright shall not subsist under this Ordinance in any design which is registered under the Patents and Designs Act, 1911,

(2) Copyright in any design which is capable of being registered under the Patents and Designs Act, 1911, but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his license, by any other person.

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

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.

14. Assignment of copyright. --- (1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any

person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof:

Provided that, in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence:

Provided further that, where the owner of the copyright in a work is the author of the work, no assignment of the copyright in the work or of any interest in such copyright shall be made, or if made shall be effective (except where the assignment is made in favour of Government or an educational, charitable, religious or non-profit institution) for a period of more than ten years beginning from the calendar year next following the year in which the assignment is made ; if an assignment of the copyright in a work is made in contravention of this proviso, the copyright in the work shall, on the expiry of the period specified in this proviso, revert to the author (who may re-assign the copyright in the work subject to the provisions herein contained), or if the author be dead to his representatives in interest.

Provided further that the copyright in an unpublished work assigned by its author to any person or organization for the specific purpose of its publication shall revert to the author if such work is not published within a period of three years from the date of its assignment."; and

(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, or the publisher to whom such right has been assigned, considers any of the terms of the assignment to be likely to affect his interests adversely, he may within one year of such assignment apply to the Board to consider such term and the Board may, after hearing both the parties, pass such order as it may deem fit; and the order of the Board shall be binding on both the parties.

(3) In this section, the expression "assignee" as respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

15. Mode of assignment. ---- No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorized.

16. Transmission of copyright in manuscript by testamentary disposition.---- Where under a bequest a person is entailed 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, to be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

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

(2) On receipt of a notice under sub-section (1), the Registrar shall cause it to be published in the official Gazette and in such other manner as he may deem fit.

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of the notice referred to in subsection (1).

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CHAPTER III
TERM OF COPYRIGHT

18. Term of copyright in published literary, dramatic, musical and artistic works.----- Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the life time of the author until fifty years from the beginning of the calendar year next following the year in which the author dies.

Explanation.---- In this section, the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

19. Term of copyright in posthumous work. --- (1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author or in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which or any adaptation of which, had not been published before that date, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published or . where an adaptation of the work is

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

(2) For the purposes of this section. a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any records made in respect of the work have been sold, or offered for sale, to the public.

20. Term of copyright in cinematographic works, records and photographs.---- (1) In the case of a cinematographic work, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is published.

(2) In the case of a record, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the record is published.

(3) In the case of a photograph, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the photograph is published.

21. Term of copyright in anonymous and pseudonymous work--- (1) In the case of a literary, dramatic, musical or artistic work (other than a Photograph), which is published anonymously or pseudonymously copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the author dies.

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

(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 sub-section (1), references to the author shall, in the case of a pseudonymous work of joint authorship, be construed:-

(a) where the names of one or more (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, of the names of two or more of the author are not pseudonyms, as references to such one of those authors who dies last;

(b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed ; and

(c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or, if the identity of two or more of such authors is disclosed, as references to such one of those authors who dies last.

Explanation.----- For the propose of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Board but that author.

22. Term of copyright in Government works and in works of international organizations. --- (1) Copyright in a Government work shall, where Government is the first owner of the copyright therein, subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published

(2). In the case of a work of an international organization to which the provisions of section 53 apply, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

23. Term of copyright in unpublished work.--- (1) If a work, whose author's identity is known, is not publish 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)

24. Rights of broadcasting organizations. -- (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 years in which the broadcast took place.

24A. Rights of performers and producers of Phonograms (sound recording) -- (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 subsists for a period of fifty years computed from the end of the calendar year in which fixation was made or performance took place

25. Application of other provisions of this Ordinance to broadcasting, performers and producers of phonograms.--- Any person who, without the authorization of the broadcasting organization, does or causes the doing of any of the acts referred to in section 24 shall be deemed to infringe the rights of the broadcasting organization, and the provisions contained in Chapter XII to XVI shall, within the limits permitted by the nature of the matter, apply to broadcasting organization and broadcasts as if they were authors and works, respectively.

26. Definitions.--- (a) "broadcast" means communication to the public by any

means of radio-diffusion, including communication by telecast, or by wire, or by both, and "broadcasting" shall be construed according."

(b) "rebroadcasting" means the simultaneous broadcasting by one broadcasting organization of the broadcast of author broadcasting organization.

(c) "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.

(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 an other broadcasting organization

27. Other rights not affected. -- 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.

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CHAPTER V
RIGHTS IN PUBLISHED EDITIONS OF WORKS

28. Protection of typography and terms of protection. -- 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.

29. Infringement, etc. --- Any person who, without the authorization of the publishers, 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 publishers, 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.

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

(a) subsists irrespective of the question whether the edition is that of 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

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

(2) If any such society fails, in relation to any work, to prepare, publish or file with the Registrar the statements referred to in sub-sub-section (1) in accordance with the provisions of the sub-section, no action or other proceeding 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.

32. Objections relating to published statements. --- Any person having any objections to any fees, charge 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.

33. Determination of objections. --- (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 not withstanding 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 objections 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 n the official Gazette and furnish the performing rights society concerned and the person who lodged the objection with a copy thereof.

(5). The statement 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 licenses 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.

34. Existing rights not affected, --- 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
LICENSES

35. Licenses by owners of copyright, --- 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 license in writing signed by him or by his duty authorized agent:

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

Explanation.---- When a person to whom a license 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 license, be entitled to the benefit of the license.

36. Compulsory license in work withheld from public, -- (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, direct the Registrar to grant to the applicant a license to republish the work, perform the work in public or communicate the work to the public by radio-diffusion, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Board may determine; and thereupon the Registrar shall grant the license to the applicant in accordance with the direction of the Board, on payment of such fee as may be prescribed.

(2) Where two or more persons have made applications under sub-section (1), the license 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 license to reprint, translate, adopt or publish any text book on non-profit basis.

37. License to produce and publish translation, --- (1) Any citizen of Pakistan or a person domiciled in Pakistan may apply to the Board for a license 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 license 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 license, not being an exclusive license, 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 license 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 license;

(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 section;

(e) Omitted;

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

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

CHAPTER VIII
REGISTRATION OF COPYRIGHT

38. Register of Copyrights, indexes form and inspection of Register, --(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 Copyright 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.

39. Registration of copyrights, --(1) The author or publisher of, or the owner of or other person interested in the 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 determined, not exceeding two months, the Registrar has not received any objection to the registration of

particulars of the work in the Register of Copyrights

40. Registration of assignments, etc., of copyrights, -- (1) Any person interested in the grant of an interest in a copyright, either by assignment or license 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.

41. Correction of entries in the Register of Copyright and indexes, etc.-- (1) The Registrar may in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights and the 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.

42. Register of Copyrights to be prima facie evidence of particulars entered therein, -- (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 extracts 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

43. Copyright Office, -- (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 Central Government.

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

43 A. Branch of Copyright Office, -- (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.

44. Registrar and Deputy Registrars of Copyrights, -- (1) The Central 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.

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

(i) a Chairman appointed by the Central Government;

(ii) not less than three and not more than five other members appointed by the Central Government after consultation with the representative bodies of authors, publishers, cinematograph 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.*

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(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.

46. Powers and procedure of the Board, -- (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 by 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, 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

47. Delivery of books to public libraries, -- (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, 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 sub-section (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 delivered under this section.

48. Delivery of periodicals and newspapers to public libraries, -- 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 Publication 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.

49. Receipt for books, periodicals and newspapers delivered, -- 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 a book, periodical or a newspaper is delivered under section 47 or Section 48, shall give to the publisher a receipt in writing thereto,

50. Penalty, -- Any publisher who contravenes any provision of this Chapter or 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 a periodical shall also be publishable with fine which shall be equivalent to the value of the value of the book, or periodical and the Court trying the offense may direct that 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.

51. Cognizance of offense under this Chapter, -- (1) No Court shall take cognizance of any offense punishable under this Chapter save no complaint made by an officer empowered in this behalf by the Central Government by a general or special order.

(2) No Court inferior to that of a Magistrate of the first class shall try any offense punishable under this Chapter.

52. Application of this Chapter to books, periodicals and newspapers published by Government, -- 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

53. Provisions as to works of certain international organizations. (1) The Central 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; and

(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.

(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 all material time to have had, the legal capacity of body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with a legal proceedings relating to copyright

54. Power to extend copyright to foreign works, -- (1) The Central 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;

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(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 Central Government shall be satisfied that foreign country has made or has undertaken to make, such provisions, if any as it appears to the Central Government expedient to require for the protection in that country of words 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 the provisions of this Ordinance or any part thereof shall not apply to works made, or first published before the commencement of the order.

55. Power to restrict rights in works of foreign authors first published in Pakistan, -- 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, 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 no apply to works, published after the date specified in the order, the authors thereof are subjects or citizens of such foreign country and or not domiciled in Pakistan, and thereupon those provisions shall not apply to such works

CHAPTER XII
INFRINGEMENT OF COPYRIGHT

56. When copyright infringed, -- 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 license granted by such owner or the Registrar under this Ordinance or in contravention of the conditions of a license 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"

57. Certain acts not to be infringement of copyright, -- (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;

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(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 a 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 worship, in a position near the lecture; but nothing in his 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, of 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 of the same author are published by the same published 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 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 painting process;

(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 license 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 license or consent of the owner of the copyright, or unless such alterations and omissions are reasonably necessary for the adaptation or 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;

(0) 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:

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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 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;

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(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 or a sculpture or other artistic work if such work is permanently situate in a public place or and premises to which the public has access;

(t) the inclusion in a cinematographic work of-

(i) any artistic work permanently situate 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;

(v) the making of an object of any description in three dimensions of an artistic work in 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 and licence of the owner of the copyrights in such drawing 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), (g), (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 sub-section--

(i) in relation to a literary or dramatic work in prose, single extract up to four hundred words, or a series of extracts (with comments interposed) up to a total or 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 sub-section (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.

57-A Particulars to be included in records and video films, -- (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 or 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 Picture Ordinance, 1979 (XLIII of 1979), a copyright the certificate granted in respect of such work by the Central Board of film Censors under sub-section (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 license 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.

58. Importation and exportation of infringing copies, -- (1) The Registrar, on application by the owner of copyright in any work or by his duly authorized agent and on payment of the prescribed fee, may, after making such inquiry as he deems fit, order that copies made out of Pakistan

(2) Subject to any rules that may be made under this Ordinance, 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 sub-section(1)may be found and may examine such copies.

(3) All copies to which any order made under sub-section (1) applies shall be deemed to be goods of which the bringing into Pakistan has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly.

CHAPTER XIII
CIVIL REMEDIES

59. Definitions, -- For the purposes 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 an 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.

60. Civil remedies for infringement of copyright, -- (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 proceedings 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.

60A. Special remedies for infringement of copyright, -- (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 caused 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 not with standing 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 sub section (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, effected 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 been destroyed, hidden or removed from the jurisdiction of the court or otherwise there is a likelihood or frustration of the intended proceedings if immediate action could not be instituted or there is likelihood of multiplicity of proceedings in the absence of the such orders.

(3) Where the copyright owner or any other person having any interest in the copyright has sought interim orders as provided in sub section (1) and (2), such order shall cease to have effect if a suit for infringement of copyright or other civil proceedings or not initiated within a maximum period of 30 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 in to the regular proceedings.

(4) While exercising powers under subsection (1) and (2), the court, in case of import or export of consignment containing copies of works, may direct the custom authority 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.

61. Protection of separate rights, -- 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 individually enforce such right by means of any suit, action or other proceeding without making the owner of any other right a party to such suit or proceeding.

62. Author's special rights, -- (1) Notwithstanding that the author of work may have assigned or relinquished the copyright in the work, he shall have 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 honor or reputation.

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

63. Rights of owner against persons possessing or dealing with infringing copies,-- 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.

64. Restriction on remedies in the case of works of architecture, -- (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.

65. Jurisdiction of court and limitation, -- (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:

Provided that, where the person whose copyright in a work has been infringed does not intend to institute a suit or proceeding in the Court of the District Judge, he may, by petition in the prescribed manner, refer the matter to the Board for decision.

(2) Where a petition as been filed under the proviso to sub-section (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 sub-section (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 sub-section (1), no court shall hear, try or entertain any suit or proceeding relating to that matter.

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(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 XIIIA
PROHIBITION OF IMPORTATION AND EXPORTATION

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

65B. Jurisdiction of Officers of customs, -- (1) An officer of custom functioning under the Custom 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 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 a'1 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, 1969 (IV of 1969), and shall be appealable as such.

65C. Release of detained consignment, -- 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 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 custom 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

66. Offenses of infringement of copyright or other rights conferred by this Ordinance, -- Any person who knowingly infringes or abets the infringement of:-

(a) the copyright in a work, or

(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.

66A. 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, -- 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.

66B. Penalty for unauthorised reproduction or distribution of counterfeit copies of sound recording and cinematographic work, -- Any person who unauthorisedly makes or distributes counterfeit of sound recording and cinematographic work for the purpose of business, profit or gain shall be publishable with imprisonment which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

66C. Penalty for exploitation and appropriation of recording or audio-visual work intended for private use, -- 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.

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66D. Penalty for making copies or reproduction in excess of those authorized by the copyright owner or his successor in title, -- Any person who produces or causes to be produced, copies or reproductions in excess or 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.

66E. Penalty of unauthorized rental of cinematographic works and computer programmes, -- 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 year or with fine which may extend to one hundred thousand rupees or with both.

67. Possession of plates for purpose of making infringing copies, -- 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.

68. Penalty for making false entries in the Register, etc., or producing or tendering false evidence, -- Any person who:-

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

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

(b) 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.

69. Penalty for making false statements for the purpose of deceiving or influencing any authority or officer, -- 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.

70. False attribution or authorship, etc, -- 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 or trade offers, exposes

for the 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 reproduction 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.

70A. Penalty for contravention of section 57A, -- 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.

70B. Enhanced fine in the case of subsequent offences, -- 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."

71. Offenses by companies, -- (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 sub-section 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 sub-section (1), where an offence

under this Ordinance has been committed by a company, and it is proved that 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

72. Cognizance of offence, -- No court inferior to that of a Magistrate of the first class shall try any offence under this Ordinance.

73. Power of the court to dispose of infringing copies plates or recordings equipment for purpose of making infringing copies, -- 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 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.

74. Power of police to seize infringing copies, plates and recording equipments, -- (1) Any police officer, not bellow 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 equipments used for the purposes of making infringed copies of the work, wherever found, and all copies, plates and recording equipments 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 for a library attached to an educational institution or a non-profit library available for use by the public free of charge or 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 sub-section (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 offence under this Ordinance shall be cognizable and non-bailable

74A. Power of Magistrate to award compensation for offences under this Chapter, -- (1) The Magistrate may, when passing a sentence of fine, direct that an amount not exceeding fifty per cent 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 sub- section (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

75. Appeals against certain orders of Magistrate, -- Any person aggrieve by an order made under section 73, sub-section (2) of section 74 or sub-section (1) of section 74(A) 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.

76. Appeals against orders of Registrar, --Any person aggrieved by any final decision or order of the Registrar may, within three mouths from the date of this decision or order, appeal to the Board:

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

77. Appeals against orders of the Board, -- (1) any person aggrieved by any final decision or order of the Board, not being the 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 sub-section (2) of section 4 and sub-section (2) of section 6.

(2). In calculating the period of three months provided for an appeal under section 76 and sub-section (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

78. Registrar and Board to certain powers of civil court, -- The Registrar and the Board shall have the power of a civil court when trying a suit under the code of Civil Procedure, 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 commission 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.

79. Order for payment of money passed by Registrar or Board to be executable as decree, -- 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 money appeal against any such order of the Board shall, on a certificate issued by the Registrar, the Board or the Registrar of High Curt, 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.

80. Indemnity, -- 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.

81. Certain persons to be public servants, -- 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)

82. Powers to make rules, -- (1) The Central 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 application to be made and the license to be granted, under this Ordinance ;

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

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

83. Repeal. -- The Copyright Act, 1914, and the Copyright Act of 1911 passed by the Parliament of the United Kingdom, as modified in its application to Pakistan by the Copyright Act, 1914, are hereby repealed.

84. Saving and transitory provisions, -- (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 a work at a time when such reproduction or performance any work in a manner which at the time was lawful or for the purpose of or with a view to the 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 interest 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 subsist 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 such work or any right in such copyright or to any 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.
