



Development of Copyright in Global Perspective: Challenges and Opportunities for Pakistan

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Abstract: *This study aims to investigate the development of copyright laws with the lens of a global perspective; thus shedding light on the challenges and opportunities for Pakistan. This study employed quantitative methodology and analyzed the data of the Copyright Ordinance of 1962 with a content analysis approach. Different concepts were developed and a brief discussion was made to examine the efficacy and their implications in the light of protection of the copyright laws, procedures to claim damages, compensation and power of attorney to use the original work of the authors or creators. The study concluded the world has moved forward at the same pace they developed in every walk of life but Pakistan was far behind in implementing the copyright laws in its original spirit. The study recommended Pakistan enhance its trust and widen its credibility by ensuring strict implementation of copyright laws. The study may open new avenues for future researchers and examine various angles of copyright while keeping in view the challenges, issues and opportunities in third-world countries.*

Key Words: Copyright Laws, Copyright Ordinance 1962, Global Perspective, Qualitative Analysis

Introduction

In the modern economic world, human art, expression of ideas, process of invention on a scientific basis or any thought is genuinely coined as the copyright or intellectual property rights (IPR) (Boyle, 1997). Creators like authors, book writers, poets, columnists, scientists and investors have the advantage of commercial benefits through IPR. They can claim monetary benefits from their products and inventions but in most of the developing countries, the general public at large whereas the authors in particular are unaware of the understanding of the IPR (Maskus, 2012). In the modern world, with the influx of technological-based new inventions, inventors have a deep-down understanding of intellectual property rights to claim monetary benefits (Göktepe-Hulten & Mahagaonkar, 2009). The developed nations have enacted laws to protect their intellectual property and such advantage provides them legal rights to have commercial and monetary benefits from their products and inventions (Resnik, 2018). The developed nations have introduced several laws including patent law, industrial law,

geographical law and other utility models to provide legal shelters for copy or intellectual property rights. Every writer or an inventor has a legal right to claim benefit for his property, product or the invention. Different nations across the globe have chalked out aforementioned laws to protect their intellectual property i.e., ideas or creations from those ideas and claim the copyrights (Goodman, 2014).

China has given special focus to intellectual property rights in the wake of the collaboration with the interlinked countries alongside the Belt and Road Initiative (BRI) (Clarke, 2017). However, China has done so to claim its own IPR as most of the business of the BRI is with the developing nations where IPR laws are quite weak and different from nation to nation (Peng, Ahlstrom, Carraher, & Shi, 2017). The big responsibility is also on the shoulders of the librarians, especially in the era of digital and technological development where the librarians have to develop digital competencies to ensure that copyrights are secured for the book righters both in developed and developing countries (Ribble & Park, 2022). Furthermore, the legislator

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structure needs to overhaul the old-fashioned copyright laws and subsequently, the IT-skilled persons have to comprehend the new modified laws of copyright in the digital era and implement strategies in the business environment (Balkin, [2003](#)). The market players should also realize the sensitivity of the problem and promote the atmosphere of intellectual property or copyrights for wider national and international acceptance (Sell, [2003](#)). In this regard, the software industry can play a leading role thus contributing to and promoting the implementation of IPR policies in an impressive and vibrant manner in Pakistan (Sarma & Krishna, [2010](#)).

Literature Review

A study revealed that there are three types of copyrights or IPR including 'Utilitarian' which promotes IPR to work for social welfare thus leading towards progress and development of the overall society (Khan, [2005](#)). However, the labour theorists believed that IPR should also ensure financial incentives and economic welfare for the labourers working for value addition in the same idea or invention (Andersen & Konzelmann, [2008](#)). Likewise, the Personality theory argues that IPR should add up human satisfaction through the process of self-actualization (Zimmerman, [2011](#)).

According to a study, a Greek colony called Sybaris in 500 BC was the first region which practised and protected the copyright while devising a political and legal structure (Edosomwan, [2019](#)). Roman Empire also implemented copyright laws but in 1421 the Florentine Republic was the first empire which enacted structured legislation and introduced copyright laws (Nard, [2019](#)). Berne Convention in 1886 and the TRIPS Agreement in 1995 actually reshaped the copyright laws, which paved the way for the modernization of copyrights including patents, circuit designs, industrial rights, trademarks and other intellectual property rights (Wan & Jiming, [2021](#)). According to a study, the copyright laws were implemented with full spirit with the arrival of the IT sector especially when it got a boom in 2014 when its estimated revenue was \$617.5bn (Ali, [2020](#)). According to a study, Bangladesh, China, India and Pakistan have the majority of the skill-intensive youth across the globe and such youth play a potential role in reshaping the economy of their countries (Huang, [2016](#)).

A study revealed that local IT firms and foreign IT companies have a strong grip on the software industry of Pakistan but the legislation and copyright laws were less implemented here in the country as compared to the developed nations (Sajjad & Eweje, [2014](#)). The

modern world has put this responsibility on the shoulders of their society to block the path of abusing copyrights without obtaining advance approval from the original holder of the invention, idea or product. According to a study, the copyrights encompassed literary work in the wake of social media involving electronic devices to steal any idea, script, play or scene under the copyright (Potts, [2022](#)). The creators, inventors and producers have due right to claim financial incentives or damages from those stealing their ideas, products or inventions. A study revealed that UDHR's Article 27 also provided legal shelter to 'IP Rights' thus preventing unlawful production, copying of the idea, distribution of the product and other inventions developed by the original owner(s) (Dreyfuss & Pila, [2017](#)).

According to a study, the strict protection of IP Rights actually safeguarded the socio-economic development in the developed countries by providing incentives to the original creators or the inventors (Netkovska & Grozdanova, [2021](#)). Different companies have assured their customers to purchase original products inscribed with original trademarks and discouraged unethical and corrupt practices. Furthermore, the WIPO – World Intellectual Property Organization – has also assured protection of the IP Rights of the original creators, inventors or owners thus providing them with rewards and recognition of their original work (Bamakan, Nezhadsistani, Bodaghi, & Qu, [2022](#)). Likewise, the IP Rights system has offered several ways to secure and safeguard the intellectual rights of human creativity, whether in science or literature across the world. Nowadays, IP rights have enhanced international trade with reliable trademarks on global products by international companies. However, a study revealed that Pakistan has a very weak legal structure of IP Rights thus there are several issues ranging from the local market to the companies exporting goods and other products to foreign nations (Wadho & Chaudhry, [2018](#)).

Knowledge Gap

After going through the literature in hand, it has been established that Pakistan lacks a strong and reliable legal framework for the protection of copyrights to ensure the safety of the ingenuity of the idea, product or invention by the original creators. Pakistan has very weak copyright laws in addition to poor implementation of those laws even at local and national levels. The study found this gap that our scholars should conduct research on the aspects while digging out the reasons that are the factors are encouraging

the copiers to copy and steal the ideas, trademark and sell the pirated version in the international market.

Rationale Statement

Copyright laws have gained significant value among the third world as well-developed nations with each passing day. The developed nations have focused on the value of the copyright besides providing developing nations baseline structure of copyright laws. Although, almost every developed country has prioritized copyright laws just to value the original work of their writers, authors, inventors and scientists unfortunately developing nations have no such firm structure.

Significance of the Study

Copyright is a global phenomenon and almost every country is fighting with this nature of crime. Pakistan falls under the ambit of developing nations therefore like other crimes; the country faces inadequate resources to fight with copyright problems and the people involved in such nature of theft. This study provides a glimpse into the contemporary affairs of copyright in Pakistan and examines the available legal infrastructure to deal with this nature of crime. Therefore, it may be a significant study to provide insights into the phenomenon and suggest paths to deal with the unique nature of crime besides recommending doable measures to the authorities in Pakistan.

Research Questions

The researcher has gone through the relevant literature and searched certain questions given below:

- 1) What is the development of copyright laws since they were introduced?
- 2) What are different concepts and thoughts about copyrights across the globe?
- 3) What are the challenges and opportunities of copyright laws in Pakistan?

Research Objectives

The main objectives for the study have been designed as:-

1. To examine the development process of copyright laws since they were introduced.
2. To evaluate different concepts and thoughts about copyrights across the globe.
3. To establish the challenges and the opportunities of copyright laws in Pakistan.

Research Methodology

This study falls under the ambit of a quantitative paradigm with a content analysis approach to analyze and examine the concepts and views about copyrights all over the world. By utilizing the quantitative approach, the study also employed a conceptual approach to examine the development process of the copyrights and future opportunities of the copyright laws in Pakistan especially in the wake of the digital world and technological advancements.

Universe of the Study

The copyright laws all over the world having been enacted in all the member countries of the United Nations, have been taken as the universe of the study. This study is an effort to analyze the efficacy of copyright laws all over the world, especially in those countries which have signed agreements with the United Nations as member states of the General Assembly.

Population of the Study

All the copyright laws in Pakistan have been taken as the population of this study. Overall, only Pakistan has been considered as a population because it was quite difficult for the researcher to analyze and examine the copyright laws across the world in a very limited timeframe.

Sample Size

The researcher has selected the Copyright Ordinance of 1962 in addition to the Amendment in the year 2000 as the sample size of the study in hand.

Data Analysis

Data has been analyzed with the lens of a conceptual analysis framework. Different concepts of the Ordinance have been chosen by the researcher to analyze the data pertaining to copyright laws in Pakistan. However, the researcher has carried out a descriptive study to examine the historical journey of the development of copyright across the world. The development of copyright law continues to be a dynamic process, shaped by ongoing technological advancements, globalization, and evolving societal needs. Balancing the rights of creators, the public interest, and technological realities remains a complex challenge for lawmakers worldwide. After analyzing the overall data of copyright laws across the world, the following 12 key concepts/developments have

emerged with a brief discussion in the following fashion.

1. **Early Origins:** The concept of protecting intellectual property dates back to ancient civilizations, but the modern copyright system began to take shape with the advent of the printing press in the 15th century. Early printing monopolies were granted to control the publication of books, journals and other publications.
2. **Statute of Anne (1710):** Often considered the first copyright law, the Statute of Anne in England established the concept of author's rights, granting creators limited monopolies over their works. In fact, this law provided the authors to claim financial as well as intellectual rights over their creative work.
3. **Berne Convention (1886):** This international treaty established the principles of automatic copyright protection upon creation, regardless of formalities. It aimed to harmonize copyright laws across different countries. This Convention is believed to be the backbone of the protection of the creative work of the authors.
4. **International Copyright Treaties:** The 20th century saw the development of various international treaties, including the Universal Copyright Convention (UCC) and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement under the World Trade Organization (WTO).
5. **Digital Age Challenges:** The rise of the internet and digital technologies posed challenges to traditional copyright enforcement. Issues like online piracy, file sharing, and digital rights management (DRM) became significant concerns.
6. **Copyright Duration Extension:** Many countries extended the duration of copyright protection, often driven by lobbying from entertainment industries. This led to debates about balancing public domain access and creators' rights.
7. **Fair Use and Exceptions:** Countries recognized the need to balance copyright protection with public interests. Concepts like "fair use" (in practice in the USA) and "fair dealing" (in practice in the UK and Canada) allow limited use of copyrighted material without permission for purposes like education, research, and criticism. This is the same sort of permission as allowing material

copying from the creative work to the extent of below 19 per cent of the similarity index.

8. **Digital Millennium Copyright Act (DMCA):** The USA was the first country which introduced the DMCA in 1998 to address the copyright issues in the digital age. It established rules for online service providers to respond to copyright infringement claims and introduced anti-circumvention provisions for digital locks.
9. **Creative Commons Licenses:** As an alternative to traditional "all rights reserved" copyrights, Creative Commons licenses were introduced to allow creators, inventors and authors to specify the permissions to copy the work they grant to others.
10. **Open Access Movement:** In academia especially in the field of research, the open access movement emerged, advocating for free access to research and scholarly works, challenging traditional publishing models.
11. **Emergence of User-Generated Content:** The growth of platforms like YouTube, social media, and user-generated content highlighted new challenges related to user-generated copyright infringement and content moderation.
12. **Blockchain and Copyright:** Emerging technologies like blockchain are being explored for their potential to establish transparent and immutable records of copyright ownership and licensing.

Analysis of the Copyright Ordinance of 1962

The data revealed that the Copyright Ordinance of 1962 in Pakistan is an important legal framework that governs copyright protection in the country. Some of its salient concepts include:-

1. **Originality Requirement:** The spirit of the Copyright Ordinance of 1962 reveals the work must be original, showing a minimum level of creativity, to be eligible for copyright protection. According to the interpretation of the concept, the author/creator has the liberty to allow a minimum level of authority to others to copy the original work and provides absolute protection to the original work.
2. **Protected Works:** The Ordinance covers literary, dramatic, musical, and artistic works, as well as cinematographic films and sound recordings. This concept provides legal shelter and complete protection to the original work in art, entertainment, culture and literature.

3. **Duration of Protection:** The duration of copyright protection varies depending on the type of work. Generally, it lasts for the lifetime of the creator plus 50 years after their death. In fact, with the advent of copyright laws across the world especially in the digital era, the copier(s) have to give credit to the original author/creator either in the shape of providing financial benefits or quoting their names in the reference section.
4. **Rights of Copyright Owners:** Copyright owners have exclusive rights to reproduce, distribute, perform, display, and adapt their works. So, this concept authorizes the copyright owners their legal right to reproduce, distribute or perform any sort of function keeping in view of their work.
5. **Fair Use and Exceptions:** The Ordinance of 1962 allows for limited use of copyrighted material without permission for purposes such as criticism, review, reporting, research, and education. This section is, in fact, for academia in general wherein the research scholars have been provided authority to quote and copy the material.
6. **Moral Rights:** Creators have the right to be identified as the author of their work and the right to object to any distortion or modification of their work that could harm their reputation. The spirit of this concept discusses moral rights and causes spreading the fame of the authors due to their creative or scholarly work.
7. **Infringement and Remedies:** The Ordinance outlines provisions for copyright infringement and provides legal remedies such as injunctions, damages, and accounts of profits for the aggrieved party. This concept is a legal shelter for the authors, inventors and creators that they can claim damages through courts and other appropriate forums if anyone herein Pakistan tries to steal their credit.
8. **Licensing and Assignments:** Copyright owners can license or assign their rights to others, allowing for commercial exploitation of their works. This concept is like providing power of attorney to their fellow men relatives or friends to use their original work after obtaining proper permission by the authors or the creators.
9. **Collective Management Organizations:** Organizations can be established to collectively manage copyright on behalf of creators, ensuring proper compensation and protection.

This concept discusses the procedures to claim damages and compensation besides providing protection to the copyrights.

10. **International Protection:** The Ordinance of 1962 aligns with international copyright treaties and conventions to protect the rights of Pakistani creators, authors and inventors abroad and foreign creators in Pakistan. This section is aligned with all the international treaties to ensure the protection of the copyright laws here in the home country as well as abroad.

Development, Challenges, and Opportunities of Copyright in Pakistan

The development of copyright law has evolved over time in response to changing technological, social, and economic contexts here in Pakistan. The study in hand provides an overview of its development from a global perspective:

Development:

1. **Legislative Framework:** Pakistan has the Copyright Ordinance of 1962 in place. The country is also a signatory to international agreements such as the Berne Convention and TRIPS, which guide its copyright policies.
2. **Digital Age Adaptation:** Like many countries across the world, Pakistan has been adapting its copyright laws to the digital age, addressing issues such as online piracy, digital distribution, and protection of digital content.
3. **Awareness and Education:** There is an increasing level of awareness about copyright laws among the creators and authors; thanks to education and campaigns in the recent past especially during the last two decades. This helps creators and authors understand their rights and the importance of respecting others' intellectual property.

Challenges:

1. **Piracy and Enforcement:** Online piracy and unauthorized distribution of copyrighted content remain major challenges. Enforcement of copyright laws, especially in the digital realm, can be difficult due to the global nature of the internet. Even then, digital libraries and legal firms have ensured minimum usage of the material after the proper permission of the original authors and creators for research. Enforcement of laws regarding intellectual

property rights is mandatory in incumbent circumstances prevailing in Pakistan because this step would enhance the trust of the national as well as international stakeholders for investment in Pakistan. There are several national and international laws that safeguard the originality of the idea thus ensuring recognition as well as providing financial benefits to the creators, authors and inventors of the idea, product or invention.

2. **Public Awareness:** Despite massive progress and rapid development in all fields, public awareness about copyright and intellectual property rights is still limited in some segments of society, leading to unintentional infringements.
3. **Access to Legal Resources:** Many creators and authors, especially smaller ones, may lack access to legal resources to protect their copyrights or enforce their rights when infringed upon. Furthermore, there is a weak structure for remedies because there is no proper setup for redressal of the complaints of the inventors, creators and authors. The process for remedy is quite slow and complex which makes it difficult for the authors and creators to claim their rights, as this complex process indulges in slow and heavy litigation which further costs money, time and resources despite availability of the intellectual property rights. Moreover, there is a weak enforcement structure in Pakistan at the end of law enforcement agencies, which further leads towards mistrust of the business community as well as academic circles. The creators, authors and inventors are at the losing end because the weak system in Pakistan has made it impossible for them to claim their rights despite availability of the intellectual property rights. Therefore, government departments and law enforcement agencies should formulate a comprehensive policy for strict implementation of the above-said laws. Moreover, there must be academic training sessions and workshops among the academicians and the education sector should take the lead in this regard thus providing awareness opportunities to the business communities as well.

Opportunities:

1. **Economic Growth:** A strong copyright regime can encourage creativity and innovation,

leading to economic growth in creative industries such as music, film, literature, and software development.

2. **Tech Innovation:** As technology advances, Pakistan has an opportunity to leverage copyright laws in the digital space, thus promoting local innovation in areas like software development, digital content creation, literature, creativity and online platforms.
3. **Global Partnerships:** By aligning its copyright laws with international standards, Pakistan can foster international collaboration in creative industries and attract foreign investment. In fact, if Pakistan starts following and acting upon all the treaties and international pacts pertaining to copyrights then we can establish reliable global partnerships with the key players across the world with a positive approach.
4. **Education Initiatives:** Promoting copyright education in schools and universities can help build a culture of respecting intellectual property from an early age. We can train our generations to come about copyright and intellectual property rights.
5. **Creative Commons and Open Access:** Encouraging the use of Creative Commons licenses and open access models can promote content sharing and collaboration within the creative community here in Pakistan and across the world. In fact, the world is already practicing the Creative Commons licenses and respecting copyright laws and now we have to act upon the international treaties and enhance our trust in the global communities.
6. **Collective Management Organizations:** Strengthening collective management organizations can ensure that creators and authors receive fair compensation for the use of their works, particularly in the digital environment.
7. **Local Content Promotion:** Supporting local content creation through incentives, grants, and competitions can lead to a vibrant creative ecosystem that resonates both locally and globally.
8. After going through the entire existing body of knowledge, it has been established that addressing challenges and leveraging opportunities requires a multi-faceted approach involving collaboration among creators, policymakers, legal experts, and technology stakeholders. Balancing the

interests of creators, consumers, authors and public figures while promoting innovation, will be key to Pakistan's copyright landscape.

Conclusion

The study concludes with tangible evidence to prove there are multiple challenges leading to positive opportunities to improve copyright laws in third-world countries, especially in Pakistan. Keeping in view of the objectives of the study, for instance, 1) to examine the development process of copyright laws since they were introduced, 2) to evaluate different concepts and thoughts about copyrights across the globe, 3) to establish the challenges and the opportunities about copyrights laws in Pakistan, the study concluded that all the three objectives were achieved through this research. This study has laid its basis on the Copyright Ordinance of 1962 in addition to the Amendment in 2000, and shed light on the historical context of the copyrights with a global perspective. The study concluded that most of the developed nations have already adopted and introduced sophisticated copyright laws to ensure the protection of the original work and creativity of the authors and the creators. The study concluded that with the advent of the software industry, copyright laws provided legal shelters with the latest approach to protection and awards. The study concluded that after the Copyright Ordinance of 1962 in Pakistan the foundation of the PIPRO by Pakistan in 2004 was also a great step. In fact, Pakistan has visible laws and clear directions towards copyrights but with a limited implementation structure. The authors, writers, inventors, and scientists in Pakistan have less understanding of the copyright laws and their implementation as well.

Limitation of Study

This study was carried out within a very short span of time, therefore, complex issues especially the implementation process of the copyright could not be investigated at large. The researcher did not have enough time to investigate the entire phenomenon while covering all the issues at length. The universe of

the study was taken as Pakistan because there were limited financial resources and time constraints as well otherwise the study could be carried out across the globe.

Suggestions and Recommendations

The following recommendations were designed keeping in view of the study and literature review:

1. Policymakers should develop a firm infrastructure for the absolute implementation of copyright laws in Pakistan. For instance, the private sector should strictly ensure that they shall never violate copyright laws and contribute economically in Pakistan in accordance with the spirit of the copyright laws.
2. The readers of books should also have knowledge about copyright laws and they should also avoid reading pirated books.
3. The country should also acknowledge the affiliation of the National and Global Distributors in this regard.
4. The state should also devise a strategy for the moral commitment of the writers, authors and even readers to act in accordance with the laws of copyright when writing or reading a book.
5. The state should ensure careful implementation of the copyright laws in Pakistan and simplify the legal procedures in the country to gain positive outcomes.
6. The study recommends that police and other law enforcement agencies should work hard to ensure lawful implementation of copyright laws in the country especially the pirated books should be banned forthwith and police should ensure strict implementation.
7. The state should ensure imposing penalties on the responsible people involved in piracy and other illegal trade regarding copyright laws in Pakistan.

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