

## **2. Definitions**

In this Ordinance, unless there is anything repugnant in the subject or context:-

(a) "adaptation" means:

- (i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;
- (ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;
- (iii) in relation to a literary or dramatic work, any abridgment of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; and
- (iv) in relation to a musical work, any arrangement or transcription of the work;

(b) "architectural work of art" means any building or structure having an artistic character or design, or any model for such building or structure;

(c) "artistic" work' means:-

- (i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possess artistic quality;
- (ii) an architectural work of art; and
- (iii) any other work or artistic craftsmanship;

(ca) "audio-visual work" means a work which consists of a series of related images which are intrinsically intended to be shown by the use of a machine or device, such as a projector, viewer or electronic equipment, together with accompanying sound, if any, regardless of the nature of the material object, such as film or tape, in which the work is embodied;

(d) "author" means:-

- (i) in relation to a literary or dramatic work, the author of the work;
- (ii) in relation to a musical work, the composer;
- (iii) in relation to an artistic work other than a photograph, the artist;
- (iv) in relation to a photograph, the person taking the photograph;
- (v) in relation to a cinematographic work, the owner of the work at the time of its completion; and
- (vi) in relation to a record the owner of the original plate from which the record is made, at the time of the making of the plate;

(e) "Board" means the Copyright Board constituted under section 45;

(f) "book" includes every volume, or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan, separately printed or lithographed, but does not include a periodical or newspaper;

(g) "calendar year" means the year commencing on the first day of January;

(h) "cinematographic work" means any sequence of visual images including video films of every kind, recorded on material of any description (whether translucent or not), whether silent or accompanied by sound, which, if shown (played back, exhibited) conveys the sensation of motion;

(ha) "copy" includes any material object in which a work is fixed by any method and from which the work can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device;

(hb) "counterfeit copy" means a copy which is an imitation of another copy and appears to be, but is not, genuine;"

(i) "delivery" in relation to a lecture, includes delivery by means of any mechanical instrument or by broadcast or telecast;

(j) "dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematographic work;

(k) "engravings" include" etchings, lithographs, woodcuts, prints and other similar works, not being photographs;

(l) "exclusive 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 communication to the public by any means of wireless diffusion whether in the form of sounds or visual images or both;

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