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Copyright Laws in Pakistan: Challenges in the Digital Age

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Abstract

This Article is based on challenges faced by Pakistan in case of Copyright protection in the age of digitalization. Where each and every thing is getting complex day by day; same is the case with the original work of the owner which is vulnerable to get infringed through different techniques. Here, in this Article some of the challenges are highlighted which includes online piracy; which is an illegal way of copying and distribution of copyrighted material through internet. Besides that it also throws light on the challenge of peer-to-peer (P2P) network which enable anyone to share files without permission. Few other challenges like digital file sharing, torrenting, stream ripping, digital manipulation, plagiarism, cyber lockers search engine, digital right management (DRM) system are also elaborated. The issues of global enforcement mechanism, international cooperation and awareness are also discussed in this Article.

Keywords: Copyright laws, Digitalization, Digital right management

Introduction

With the development in the technology everything changes and become more complex to understand; although more facilities and different opportunities are created with the advancement and growth in the technology. The world today is considered one of the digital and modern with one of the aspect of the technology and a global village where each and everyone are connected within and across the border of the country. In this race of digital era everyone has created short tracks; to get access easily to the things they need. Same is the case in the creation of original work and its protection. Different countries have their own laws and legal framework which provide protection for the original work of the owner and their copyright.

Copyright law is at the intersection of creative expression and technological innovation in the ever changing digital realm. Access to and distribution of copyrighted content has increased to previously unheard-of levels due to the widespread use of personal computers and the Internet. But these developments also bring with them a number of difficulties for those engaged in the production, sharing, and consuming of digital works (Li & al, 2020).

Copyright is a kind of intellectual property with protects the original work of the author who creates that work. But it does not protect merely an idea or intangible form of work. The work should be in tangible form. Copyright protects different



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types of work which includes: literary, artistic, musical, dramatic, cinematographic and recordings. The types of work protected under the copyright have different forms. Each state has explained this work according to its own principles and requirement of their legislative authority.

Because digital technology has made knowledge more accessible and available, it has been essential to the advancement of society. By making it easier for people to access electronic resources for learning, research, and recreation, digital technology and electronic networks present chances to advance public interests. Additionally, these developments remove geographical obstacles to information access by enabling remote searching and many users to view online documents simultaneously (Ginsburg, 2016). However, this innovation has created new and unique issues for copyright holders, especially with regard to the illegal uploading and sharing of copyrighted works without the required authorization, license, or legal basis (Bezatliu, 2024).

The European Union (EU) is still dealing with the widespread problem of online copyright infringement, which has become more complicated as a result of the quick development of technology. For both regulators and copyright holders, the growing accessibility of stolen content via advanced digital platforms poses serious difficulties. A thorough grasp of consumer behavior, piracy patterns, and the social and economic determinants of piracy is necessary to successfully address this issue (Intellectual Property Challenges in the Digital Age : Online Copyright Infringement in the EU).

History of Copyright Law

Although these early copyright measures were primarily about censorship and control rather than protecting creators' rights, copyright law has its roots in ancient civilizations, where rulers and authorities granted authors and creators limited monopolies to oversee the reproduction and dissemination of their works. The printing press's development in the 15th century revolutionized the way books and printed materials were distributed, leading governments to enact laws to control the printing sector and protect publishers' and writers' rights. The Statute of Anne, often regarded as the first modern copyright law, was passed in England in 1710 and marked a significant turning point in the recognition and protection of creators' rights. It granted authors and other creators of literary works the exclusive right to their creations for a limited time. International cooperation on copyright protection became necessary as world trade and communication increased in the 19th century. As a result, the Berne Convention for the Protection of Literary and Artistic Works was created in 1886, along with other international agreements that provided procedures for reciprocal protection of works across national borders and established fundamental principles for copyright protection. Significant technological developments during the 20th century, including radio, television, film, and eventually digital technology, presented particular difficulties for copyright law (Goldstein, 2003). The reproduction and distribution of intellectual works, performance rights, and broadcasting rights are among the concerns that the lawmakers battle over. However, copyright law faced unprecedented issues with the late 20th century introduction of digital technology and the internet. Concerns over piracy, illegal copying, and the disruption of conventional economic structures in the creative



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industries were raised by the ease with which digital content could be reproduced, distributed, and shared (Jagwani, 2024).

Protection of Copyright in Pakistan

The Copyright Ordinance, 1962 of Pakistan protects the copyright of the person. It grant the owner of the copyright in case of his original work fixed in tangible to copy, reproduce, present and perform his work. Under this ordinance he shall register his original work in the Copyright Office following the procedure of registration. Once he gets registered his work gets more legal protection. This Ordinance provides protection in case of literary, artistic, musical, cinematographic work and recordings. The term of protection provided under this Ordinance is the lifetime of the author plus 50 years after his death.

The Copyright Ordinance has provided protection up to some extent but it has deficiencies in case of digitalization. Pakistan face challenges in different areas and sectors of Copyright which is the aim of this study to point out and address these challenges.

Challenges in the Digital Age

The different types of challenges faced by Copyright in the digital age has made it difficult for the authors or creators to flourish their work and get fruit of their labor through which they invest their time and utilize their efforts to create original work. Every sector of Copyright like literary, artistic, musical, dramatic and cinematographic work faces such challenges. Some of the challenges are listed below.

The Challenge of Online Piracy

Online piracy is one the challenge faced by many countries around the world; Pakistan being one of them which face this challenge and is not acknowledged as a copyright violation which causes copyright infringement. The unlawful reproduction or dissemination of copyrighted content on the Internet is known as digital piracy. The creative industries film, television, publishing, music, and gaming are all adversely impacted. Because it jeopardizes government revenue streams and exposes consumers to financial loss, online piracy has an economic consequence. Additionally, it exposes users to security threats including identity theft and unsuitable content exposure for youngsters. Access to audiovisual content that has been pilfered from a genuine TV operator is provided by pirate operator websites. Illicit gadgets or apps can be used to access this. Illicit apps may also be installed on legitimate devices like tablets, smart phones, and smart TVs. (INTERPOL).

The availability of information in the digital world makes it easy to utilize copyrighted works without the required permission, which is why piracy has become one of the most pressing issues in the modern digital world. In addition to impeding the producers' and artists' financial rights, this situation makes copyright enforcement extremely challenging. Cyber piracy is becoming more sophisticated as more individuals utilize streaming services and share content online, including vast networks of illegal websites that distribute copyrighted media including music, movies, and more (Tiwari, 2024).



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The Challenge of Global Copyright Enforcement

The enforcement of Copyrights globally or through international ambit is one of the challenge for many developing countries in the world; Pakistan being part of it in this digital age. Furthermore, because digital content is freely accessed and dispersed across international borders without regard for territorial limits, its borderless character makes it more difficult to enforce copyright rules. This calls into doubt the extraterritorial applicability of copyright regulations in the digital era, jurisdictional concerns, and legal harmonization (Jay Dratler & McJohn, 2023).

The legal systems and interpretations of copyright laws vary among nations. Cross-border enforcement may become more difficult as a result of differences in the protections, exclusions, and restrictions. When there are several countries involved in the infringement, it might be difficult to decide which jurisdiction is best to file a case. It necessitates taking into account elements like the parties involved, the location of the injury, and the location of the infringing acts. Effective communication and understanding between copyright holders, legal representatives, and authorities in various nations can be hampered by linguistic and cultural barriers. This may make it more difficult to collect evidence, make legal arguments, or negotiate settlements (Zhang, 2023).

Copyright's global reach presents a number of complex obstacles to its enforcement and observance. The differences in copyright regulations between nations are one of the main problems. The degree and mode of copyright protection can differ greatly from one state to another, even when international agreements such as the Berne Convention seek to establish a minimum standard. For artists and distributors, particularly those whose works are distributed internationally, this discrepancy creates a complicated legal environment. Enforcing rights in a global digital context presents another difficulty. Because of the internet's global reach, copyrighted content can be readily accessed and shared anywhere in the globe, frequently in countries with varying legal systems and capacities for enforcement. This makes it challenging to seek legal redress for infringement that takes place outside of an author's nation of residence. An further layer of complexity is introduced by the cultural and economic disparities that impact copyright practices and perceptions. For example, something that is regarded as fair usage or a standard practice in one area could be regarded as infringement in another. To successfully safeguard copyright in the global setting, these issues need for international cooperation and legal harmonization. However, considering the various interests and legal systems involved, accomplishing this is a complex procedure (Intellectual Property-Copyright: The Challenges and Changes).

The Challenge of Digital Rights Management (DRM) Limitations

The concept of Digital Right Management(DRM) is completely new for Pakistan; as its not being introduced and addressed in case of copyright violation in the digital age; as it control and protect digital content and original creation of the author on online platforms from any sought of violation and infringement of copyright. The system known as Digital Rights Management (DRM) regulates the access and use of digital content, including software, e-books, films, and music.



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Its primary goal is to stop illegal distribution or duplication of protected content. Content owners can use DRM to: Limit the number of devices or users; Track how the content is being used; Set time limits for access; and restrict access to their digital content. Media, publishing, software, and gaming are among the businesses that employ these DRM systems to preserve revenue and safeguard intellectual property. DRM solutions come in a variety of forms and are intended to safeguard different kinds of digital content. Content is encrypted by (encryption-based DRM), rendering it unintelligible without a decryption key. A unique identification is embedded into the content by watermarking-based DRM, which enables distribution tracking. Users must get a license or key in order to access the content (licensing-based DRM), which may expire or be revoked. (Cloud-based DRM): Uses a cloud service to manage access and store content in the cloud (DRM Explained: How It Works, Benefits, Limitations , 2024).

A major DRM difficulty is striking a compromise between strong security and end-user usability, making sure that sensitive content and copyrighted materials are safeguarded without reducing productivity. Furthermore, the effectiveness of a DRM system depends on its users, regardless of how safe it is or seems to be. Despite being shielded by DRM technology, insider threats whether intentional or unintentional continue to expose private information to unauthorized users. Furthermore, data privacy legislation is increasingly demanding DRM or DRM-like solutions to protect personally identifiable information (PII/PHI), even though corporations employ DRM to secure their intellectual property in order to protect revenues. Businesses that violate data privacy regulations risk penalties, fines, legal action, and harm to their brand (Ertl, 2024).

The Challenge of Peer-to-Peer (P2P) Networks

Peer-to-Peer is one of the challenges faced by the world today in case of copyright protection. Pakistan is also listed in one those countries which face this challenge in the age of digitalization. Because P2P networks allow users to distribute files without authorization, it can be challenging to identify and stop the unapproved dissemination of copyrighted content.

Unlike the traditional client-server model, which divided resource supply and consumption, P2P networks use a type of decentralized and distributed network architecture where individual nodes in the network (referred to as "peers") act as both suppliers and consumers of resources. As a result, sharing, exchanging, or distributing files on P2P networks has become a common practice. It is a strong technology with a wide range of applications. Software, movies, music, and other electronic content can be shared and traded using peer-to-peer (P2P) networks. The rights of copyright owners may be violated when copyrighted materials, such as media contents, are uploaded, downloaded, or shared via P2P networks. Since users exchange digital copies of copyrighted content, file sharing raises legal concerns related to copyright violations. P2P technology enables global file and data sharing, but rights holders have attacked it since some of its contents are protected by copyright. (Prakash, 2015).

The Challenge of Digital File Sharing and Torrenting

Digital file sharing and torrenting is one of the other challenge faced by Pakistan and the world today in this digital age. Copyright protection is challenged by



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decentralized file-sharing platforms, which make it hard to monitor and enforce copyright infringement.

Additionally, a growing number of opportunities for digital piracy are brought about by the quick and unrelenting advancement of technology. Advances in file-sharing, encryption, and communication technologies constantly give pirates new means of evading law enforcement's anti-piracy operations. Because of this changing environment, counter-piracy initiatives must be continuous and flexible, alert to new risks to intellectual property and quick to react to them (Rastogi, 2023).

The Challenge of Stream Ripping

Stream ripping is one of the challenges faced by Pakistan in the digital age in case of copyright protection.

The practice of converting and downloading streaming media, such as music or films, from websites like YouTube and Spotify which usually provide content for brief viewing or listening using software or a web service is known as "stream-ripping." Without the required licensing or consent from the copyright holders, "stream-ripping" essentially enables users to permanently store the streaming video on their devices for offline access. Because it avoids the copyright safeguards and licensing contracts that govern the distribution and access of content, this technique is frequently regarded as a type of copyright infringement. The process of removing audio or video data from a CD, DVD, streaming media, or any other digital media source and transforming it into a file format that can be handled, played, and stored on computers or other digital devices is referred to as "ripping" in the context of digital media. Transferring content from physical medium, such as CDs, to a more practical digital format, like MP3 for audio or MP4 for video, is sometimes referred to as "ripping." Without requiring the original physical medium, this procedure enables users to conveniently access, arrange, and carry their media on mobile devices. While some jurisdictions allow "ripping" for personal use under fair use or private copying exemptions, it becomes unlawful if the content is shared without consent or in violation of copyright laws (QUAN).

The Challenge of Digital Manipulation and Plagiarism

Digital manipulation and plagiarism is one of the other challenge faced by Pakistan in this digital age in case of copyright protection. The integrity and financial worth of original content are compromised when copyrighted works are copied, altered, or repurposed without authorization. Furthermore, copyright enforcement is made more difficult by the development of algorithms and automatic content control technologies. These techniques might help find and remove illegal content, but they also run the risk of overzealous censoring and the mistaken removal of content that isn't unlawful, which might stifle creativity and freedom of expression. User-generated content platforms must put in place strong copyright enforcement methods, such as user reporting systems, content identification algorithms, and explicit copyright infringement regulations, in order to handle these issues. Furthermore, in order to create solutions that effectively balance the interests of creators, users, and platform operators while respecting copyright law, cooperation between platform operators, rights



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holders, and legislators is crucial (Vemulakonda, 2018).

The Challenge of Lack of International Cooperation

The lack of international cooperation is one of the biggest challenges faced by the world today in case of copyright protection in the digital realm. Given these ongoing difficulties, it is becoming more and clearer that international cooperation and collaboration are required. Given the transnational nature of digital piracy, it is essential to fortify international collaborations in order to standardize legal frameworks and expedite enforcement processes. Furthermore, encouraging communication between governments, industry participants, and technology specialists is essential to creating policies that work and can keep up with the constantly changing techniques used by infringers (Rastogi, 2023).

Achieving international harmonization for copyright laws is an ongoing task in this age of digitalization and globalization. However, because of the significant differences in copyright rules between countries, this attempt is fairly complex. It can be difficult to preserve a degree of harmony while honoring national interests and cultural diversity (Wahab, 2024).

The Challenge of Cyber lockers and Cyber lockers Search Engines

Cyber lockers and the cyber locker search engines are also giving hard time to the copyright owners and is challenging for the world today in the digital perspective. Users can upload and distribute files, including copyrighted content, via cyber lockers, which are online file storage services. Finding and accessing copyrighted content is made easier by search engines, which also make it simpler to locate and download stuff that violates copyright.

Online storage services known as "cyber lockers" are mostly used to house and grant access to content that violates intellectual property rights (movies, TV series, and music), while providing varying degrees of anonymity and denial that illicit behavior is occurring for both the up-loader and the cyber locker. But in addition to content that violates intellectual property rights, cyber lockers are a breeding ground for the spread of hazardous content, including non-consensual pornography and child exploitation (Ellenhorn, 2022).

The Challenge of Education and Awareness

Pakistan also faces the challenge of education and awareness of copyright protection and to stop the copyright violation in the digital realm. As to preserve copyright and stop accidental infringement or piracy, it is crucial to inform the public about copyright rules and encourage moral content consumption habits.

The Challenge of Fair Use and Exceptions

The fair use and the exceptions to copyright are also the part of the challenges faced by Pakistan in the digital age. To strike a balance between the rights of users and copyright holders, fair use and other copyright exceptions need to be continuously reviewed and interpreted.

Conclusion

Copyright is a kind of intellectual property with protects the original work of the author who creates that work. Copyright law is at the intersection of creative



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expression and technological innovation in the ever changing digital realm. The digital technology has made knowledge more accessible and available, it has been essential to the advancement of society. However, different innovation has created new and unique issues for copyright holders, especially with regard to the illegal uploading and sharing of copyrighted works without the required authorization, license, or legal basis. Many challenges are faced by the world today; Pakistan being among one of these countries which faces these challenges in the digital realm.

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