

## **THE ROLE OF FEDERAL INVESTIGATION AGENCY IN CURBING BOOK PIRACY IN PAKISTAN**

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### **Abstract**

*The Federal Investigation Agency (FIA) is a counter-intelligence and security agency which has a major role in the implementation mechanism of copyright laws. Its Economic Crime Wing (ECW) is responsible for carrying out operations against the violation of copyright laws in Pakistan. The main objective of this study is to find out the role of FIA in curbing book piracy in Pakistan. For this purpose, data was collected from the concerned section situated in Peshawar, Khyber Pakhtunkhwa. The study found that FIA has a major role in curbing book piracy in Khyber Pakhtunkhwa, Pakistan. However, due various reasons this criminal activity cannot be controlled. The study observed that lack of updated laws and complicated legal procedures are among the main hurdles in curbing book piracy in Pakistan.*

**Keywords:** Copyright laws, Book Piracy, Infringement, FIA, Khyber Pakhtunkhwa, Pakistan

### **Background and the Context of Research**

Piracy means an unauthorized reproduction or distribution of creative, protected work of others as a whole or in a substantial amount. It is an illegal reproduction of the literary work of authors or any printed material for the purpose of gaining profit. The piracy of books is a global phenomenon<sup>1</sup> which stems from social, economic and legal backgrounds. The review of literature show various reasons of book piracy which include high cost of original editions of books and their scarcity in the market, lack of public awareness, high demand and low

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supply of local and foreign books that are part of the syllabus of educational institutions, cheap and affordable means of reprinting and reproduction of printing matters, misconception about piracy, high profit rates for business, poverty, lack of sales promotion, poor book distribution, indiscriminate photocopying, complication in imports, development in the new digital technologies which make reproduction an easy job, lack of legislation weak copyright laws, and long process of litigation and weak enforcement mechanism of copyright laws<sup>2</sup>.

Pakistan is among those countries which has been largely affected by the menace of piracy<sup>3</sup>. It has rather become an issue of international defamation for the country. It is believed that in Pakistan the concept of copyright is not common and generally misunderstood which results in its violation. Apart from it, inherited, weak and outdated laws are also the main reasons of book piracy in Pakistan. Though, amendments have been made within the existing laws, however due to its incompatibility with the latest development, computer technology, and international standards the required objectives of these laws could not be achieved.

Pakistan is a signatory to the Berne Convention that makes it legally and morally bound to provide protection to international authors but due to multiple socio-economic, political and legal factors it has failed to comply with the provisions of Berne convention. The trust deficit has put Pakistan on the international watch list of copyright since 1989<sup>4</sup>.

Book piracy has serious repercussions for the economy of Pakistan. Usman Haneef termed it as a product of black economy of Pakistan<sup>5</sup>. The managing director of Oxford University Press, Ameena Saiyid, quoted by Usman Haneef in his article in daily Dawn, demonstrated that rampant spread of book piracy has continued to harm the economy of Pakistan. Apart from it, it has lowered investment, reduced employment prospects and opportunities, endangered consumer health and safety, decreased innovation, inventions and creativity, diminished brand image and perceptions of international community towards Pakistan. She also said that in order to comply with international standards, Pakistan should strengthen intellectual property legislations. Despite different issues in the implementation of copyright laws in Pakistan, the role of FIA has been very much effective and admirable in curbing book piracy<sup>6</sup>.

The Constitution of Pakistan to protect different types of intellectual property rights of its people. In this regard different ordinances and acts have been promulgated from time to time to protect the intellectual property rights of the people of Pakistan. The first law on the Copyright was the Copyright Ordinance 1962<sup>7</sup> which was based on the British Copyright Act of 1914<sup>8</sup>. The Copyright Rules 1967<sup>9</sup> was framed for the proper working of this ordinance. Major changes were made in it through the Copyright (Amendment) Act 1992<sup>10</sup> and the Copyright (Amendment) Ordinance 2000<sup>11</sup>.

The amendments made in 2000 to the Copyright Ordinance provide a much more stronger platform and tools to control piracy i.e. the registrars authority was broadened, the amount of fine was raised to 1680\$ although one amendment was criticized by the international publishing industry and that is the permission given by the government to any institution in Pakistan including National Book Foundation to reprint without permission of the author and without paying royalty<sup>12</sup>.

The International Intellectual Property Alliance represents about 1300 U.S companies producing and distributing materials protected by copyright laws throughout the world. In their annual review report it was mentioned that due to book piracy in Pakistan in 1995 the loss suffered by U.S companies was 30bn\$ which later on raised to 52bn\$ in 2004<sup>13</sup>. This mounted much pressure on Pakistan from international community to establish a designated organization to protect the rights of the international authors and control book piracy so that there economic loss could be minimized. Looking to this situation Pakistan in 2005 established Intellectual Property Organization of Pakistan (IPO) with an aim to safeguard the rights of the authors and other intellectual property related issues and control book piracy. The roles and powers of IPO were further updated in 2012 through an Act of parliament<sup>14</sup>. In 2016 the administrative control of IPO was transferred from cabinet division to commerce division. IPO is the sole body to deal with all kind of intellectual property rights in Pakistan<sup>15</sup>. It aims to consolidate issuance and enforcement of trademarks, patents, copyrights in one governmental body.

Book piracy is a criminal offence. The copyright ordinance, 1992 (amended) has specified in its mechanism, three kinds of awards which are civil, criminal and administrative in nature<sup>16</sup>. Under Section 66 of the Copyright Ordinance 1962<sup>17</sup> and under sections 420,468 and 471 of the Pakistan Penal Code<sup>18</sup>, infringement of copyright is a criminal offence with imprisonment of three years and a fine of US dollars 1268 or both as punishment. Under the civil litigation an effectee can claim damages against the person who has violated his copyright. Apart from it the whole pirated copies will be considered as the property of the real owner. Administrative litigation is carried out under custom act, 1969<sup>19</sup>.

The Federal Investigation Agency (FIA) has a major role in the implementation mechanism of copyright laws. FIA is a counter-intelligence and security agency which operates under the Ministry of Interior. It undertakes operations against terrorism, espionage, federal crimes, fascism, smuggling as well as infringement and other specific crimes. Headquartered in Islamabad, the agency has various branch and field offices located in all major cities throughout Pakistan. The FIA has 10 active departments to lead criminal charges and investigation, of which the Economic Crime Wing is responsible for carrying out operations against the cases of infringement<sup>20</sup>. The main objective of this study in hand is to find out the role of FIA in curbing book piracy in Pakistan.

#### **Objectives of the Study**

- To examine the role of federal investigation agency in curbing book piracy in Pakistan?
- To suggest possible guidelines to stop this menace and improve the current situation

#### **Research Question**

- What is the Role of Federal Investigation Agency in Curbing Book Piracy in Pakistan?

### **Research Methodology**

This study aims to examine the role of FIA in curbing book piracy in Pakistan which is a case study of the province of Khyber Pakhtunkhwa. To achieve this objective survey research method was employed to collect data from the target group. Survey research includes the measurement procedures of collecting data from a target population through questionnaires or interviews<sup>21</sup>. Therefore, in this study interview technique was deemed appropriate to collect data from the staff of the ECW of the FIA office, Khyber Pakhtunkhwa.

Based on literature review and consultation with peers and academicians an interview schedule was developed. The head of ECW was requested to participate and allow the concerned staff members to participate in the study. The in-charge of the concerned section graciously participated in the study and provided useful data and allowed his staff to cooperate with the researchers. Due to security concerns the total no of staff of ECW could not be disclosed exactly. However, for the purpose of study it was mentioned that it ranges from 5 to 10 persons. All interviews were conducted in the work places of the respondents. The responses of the respondents were noted by taking notes. Through content analysis the interview scripts were analyzed, categorized, themes were developed from it and are reported in the data analysis section.

### **The Structure of Data Collection Tool**

The structure of data collection tool included questions regarding the profile of FIA, information about its various branches, general information about the FIA wing dealing with the cases of piracy and its staff, official procedures involved in the reporting of the cases of book piracy, years in which most of the cases occurred, no of cases decided, notorious firms involved in the heinous crime of book piracy, level of satisfaction with the working procedure of FIA and the main causes of book piracy in Pakistan.

### **Analysis and Interpretation of Data**

#### **The Federal Investigation Agency: A Profile**

The Federal Investigation Agency (FIA) is a counter-intelligence and security agency which functions under the Interior Ministry of Pakistan. The agency has the jurisdiction on undertaking operations against terrorism, espionage, federal crimes, fascism, smuggling as well as infringement. The agency has the mandate of carrying out international operations in coordination with Interpol. Its Headquartered is in the federal capital Islamabad and is headed by a Director General (DG). The agency has well established branches and field offices in all major cities of the country. The most well established departments of FIA which has mandate to lead criminal charges and investigation in various capacities as per their portfolios are Counter-terrorism Wing (CTW), Anti-Corruption Wing (ACW), Economic Crime Wing (ECW), Immigration Wing (IW), Technical Wing (TW), Legal Branch (LB), National Central Bureau (NCB), and the Anti-Trafficking Unit (ATU). The respondents mentioned that of these unites and departments ECW deals with the case of book piracy in Pakistan (personal communication).

Looking to the importance of the topic, an effort was made to contact the personals of FIA, working in the Economic Crime Wing (ECW) of Peshawar branch. The in charge of the section was much more cooperative. Despite busy schedule, the respondent gave time, shared and provided useful information related to the nature and objectives of the study.

#### **General Information**

The respondent shared opinion that the mission of ECW is to curtail corruption of any kind in Pakistan. The said cell, he informed is headed by Deputy Director of PBS 18, and is usually posted from within FIA.

The number of staff member working in the cell to stop book piracy in KPK fall between 5 to 10 members. However, the respondent informed that the cell of ECW working is Peshawar is controlled from Islamabad.

### **Official Procedure of Book Piracy in KPK**

Regarding the official process of dealing cases of book piracy in KPK, the respondents told that traditional procedure of reporting the case to the police department is adopted in the shape of FIR. However, since FIA has an intelligence wing and gather relevant information in this respect therefore, based on their authentic information arrangements are also made for raids by the FIA on those firms involved in book piracy. However, it was also informed that complaints are necessary for the agency to come into action against infringements.

The respondent shared a personal experience with the researchers in this regard with special mention to Oxford university press which had started this practice that when some book agency refused to purchase books from them then they used to inform FIA that those book agencies are having pirated books. Several raids were done in Dir, Swat, Buner etc. and books were confiscated but when Oxford staff was asked to stamp the books that they refused to do so.

### **Years in which most of the cases were reported in KPK**

Information gathered during the interviews from the FIA personals are presented in Table 1. The descriptive statistic provided in this table show that most of the case related to book piracy in the province was reported in the year 2006 which are 8 in number followed by 2014, 2013, 2005, 2010 and 2011 in which only 6, 5, 3, 2 and 1 cases were reported respectively. This table further indicates that no case have been reported in the years 2007 and 2008, 2009 and 2012 respectively.

Table 1: Years in which most of the cases were reported in KPK

<b>S.No</b>	<b>Year</b>	<b>No of Reported Cases</b>
1.	2005	3
2.	2006	8
3.	2007	0
4.	2008	0
5.	2009	0

6.	2010	2
7.	2011	1
8.	2012	0
9.	2013	5
10.	2014	6

**Number of cases decided in the last five years**

Regarding the number of cases, the respondents replied that so far, as per their knowledge only 6 cases have been decided about book piracy in KPK in the last five years. The lengthy process of litigation might be a reason of slow disposal of cases.

**Firms involved in book piracy, types of books and area with high ratio of book piracy in KPK**

Regarding the involvement of different firms in book piracy, the respondents declined to give answer of the question. However, he mentioned that Peshawar is main area of the province where most of the general books are pirated by various publishers and publishing companies for extra financial gains.

**Satisfaction with the Role of FIA in Curtailing Book Piracy in KPK**

The respondent was very much optimistic regarding the role of FIA in curtailing book piracy in the province. They showed their complete satisfaction in this regard.

**Main Causes of Book Piracy in KPK**

Parallel to different other causes of book piracy including, economic, weak copyright laws, high prices of books, high profit, non-availability of original editions of books, inclusion of foreign books in our academics, technological factors which case easily reproduce books in seconds, legal actions is not taken in time, legal procedures are complicated, lack of awareness among the masses/general public, difficulties in importing foreign books etc. The respondents specifically



mentioned that lack of awareness among the legal community has been the main reason to deal with copyright related cases in the province.

### **Suggestions and Recommendations**

The study recommends and suggests the following points which can help to reduce book piracy in Khyber Pakhtunkhwa

- Awareness campaigns should be initiated to create awareness about intellectual property rights laws among the legal community, general public and the intellectual property owners by all available means.
- The legislation related to intellectual property rights should be revived to bring it at par with international standards.
- The courts of competent jurisdiction may be designated to adjudicate cases under Intellectual Property Rights.
- The judicial academies and centers of legal education should arrange courses on intellectual property laws in addition there to, conferences, seminars, workshops and symposia be also organized.

### **Notes and References**

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<sup>2</sup> Sobia Bashir (2015) Book Piracy and legal lacunae in Pakistan: Focus on Khyber Pakhtunkhwa, Law College, University of Peshawar.

<sup>3</sup> Ibid

<sup>4</sup> Copyright protection in Pakistan, retrieved from <http://thepolestar.org/copyrightinpakistan.aspx>

<sup>5</sup> Usman Haneef (2017), op-cite

<sup>6</sup> Ibid

<sup>7</sup> Copyright ordinance, 1962

<sup>8</sup> British copyright act, 1914

<sup>9</sup> Copyright rules, 1967

<sup>10</sup> Copyright act (amended) 1992

<sup>11</sup> Copyright (Amendment) Ordinance 2000

<sup>12</sup> Khalid Mahmood, Muhammad Ilyas, ( 2005 ) Copy Right and Book Piracy in Pakistan, *IFIA Journal*, published by Sage , p.324

<sup>13</sup> Ibid

<sup>14</sup> Intellectual Property Organization of Pakistan, 2012

<sup>15</sup> Ibid

<sup>16</sup> Copyright Ordinance of Pakistan, 1992 (amended)

<sup>17</sup> Section 66, Copyright Ordinance 1962

<sup>18</sup> Sections 420,468 and 471 of the Pakistan Penal Code

<sup>19</sup> Custom act, 1969

<sup>20</sup> Federal Investigation Agency, retrieved from

<http://www.fia.gov.pk/en/index.php>

<sup>21</sup> Survey Research retrieved from

<https://www.socialresearchmethods.net/kb/survey.php>