Copyrights

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Q1327. What is the ruling in the matter of reproducing books and articles of foreign origin, or those published inside the Islamic Republic, without the permission of the publishers?

A: As regards reprinting, or offset, of books printed outside the Islamic Republic, it is governed by bilateral agreements reached by the two countries in this regard. As a matter of caution the rights of the publishers inside the country should be preserved by way of asking their permission to reprint their books.

Q1328. Is it permissible for authors, translators, and artists to claim to be remunerated for the time, money, and effort they put in such works?

A: It is within their right to demand from the publisher whatever they like for delivering their first original manuscript or piece of work to the publisher.

Q1329. Suppose that the writer, translator, or artist received a fee for the first edition of their piece of work, and, at the same time made a provision that they are to be given a share in the proceeds from selling the subsequent edition. Are they justified in demanding a share of the proceeds of subsequent sales? And how should the money, received in such a way, be treated?

A: In case the owner of the work has made a provision in the contract reached for delivering the original one that he should receive an amount of money for the subsequent editions or the law requires so, then there is no objection to receive it and the publisher is obliged to observe the provision.

Q1330. Suppose that the author did not specify anything regarding the subsequent editions, is it permissible for the publisher to reprint the material with neither his permission nor paying him for it?

A: If the contract signed between the two parties is confined to printing the first edition only, it is a caution to preserve his right and ask his permission for the subsequent editions.

Q1331. In case the compiler is absent due to travel, death or the like, who should one approach for permission to reproduce his work and to whom should the money be paid?

A: In this case, one must, by caution, approach the compiler's representative or *shar'ī* guardian. In the event of his death, his heirs' permission must, by caution, be obtained.

Q1332. Is it permissible to reprint books without the permission of their owners, especially with the existence of the phrase "All rights reserved"?

A: It is a matter of caution that the rights of both the author and the publisher must be respected through obtaining their permission to reprint the material. Of course, in cases that there is a rule, it should be observed. It should be observed in the following issues as

well.

Q1333. Some cassettes containing Qur'anic recitation and religious songs bear the phrase "Recording rights reserved". Is it permissible to make copies of such cassettes and give them to people who are interested in acquiring them?

A: As a matter of caution one should obtain the permission of the original publishers to make copies of the cassette.

Q1334. Is it permissible to make copies of computer disks? Assuming that it is ḥarām, is this confined to disks produced in Iran or does the ruling go beyond that to cover imported disks, especially when we know that the prices of some of these disks are very high because of their contents' importance?

A: It is a caution to respect the rights of the owners by seeking their permission to make copies of the computer disks produced in Iran. In case they are produced abroad, it depends on the contract signed.

Q1335. Do trademarks of supermarkets or companies belong only to their owners so much so that others have no right to use the same trademarks for their businesses? To give an example, suppose that a person owns a business bearing the name of the family. Is it permissible for another member of the same family to use the same name for their business? And is it permissible for another person, who does not belong to the same family, to trade under the same name?

A: If the government, according to the ongoing laws gives the trademarks to someone who requested it earlier than the others and the trademark is registered in their names in administrative files, then, it is not permissible for others — including the family members of a person who acquired that trademark — to use it without the permission of its owner. Otherwise, there is no objection to doing so.

Q1336. Is it permissible for the owner of a photocopier to photocopy some material, on the pretext that they can be of benefit to the believers, without the permission of the owner of the printed matter? And would the ruling be different if the owner of the photocopier knew that the owner of the printed matter would object to people copying his material?

A: As a matter of caution, one should not take the initiative to photocopy the material without the permission of its owner.

Q1337. Some believers hire videotapes from a video shop. Upon viewing the material, they fancy it and accordingly make a copy of it without the permission of the shopkeeper. They do so on the understanding that the majority of the mujtahids do not recognize copyright. Are such people justified in what they are doing? On the assumption that it is not permissible, should those who have made copies hasten to seek the permission of the owners of the tape or is the wiping of the contents of the cassette sufficient?

A: As a matter of caution, one should not copy a videotape without the permission of its owners. However, if a person has already done so without the permission of the owner of the tape, it is sufficient to wipe the recorded material off the tape.