



Journal of Islamic Thought and Civilization (JITC)

Volume 9, Issue 2, Fall 2019

pISSN: 2075-0943, eISSN: 2520-0313

Journal DOI: <https://doi.org/10.32350/jitc>

Issue DOI: <https://doi.org/10.32350/jitc.92>

Homepage: <https://www.umt.edu.pk/jitc/home.aspx>

Journal QR Code:



Article:

The Status of PDF Books and Copyright Laws in *Sharī'ah* Teachings

Author(s):

Hafiz Muhammad Zubair
Shamana Mudassir

Published:

Fall 2019

Article DOI:

<https://doi.org/10.32350/jitc.92.05>

QR Code:



Hafiz M. Zubair

To cite this
article:

Zubair, Hafiz Muhammad, and Shamana Mudassir.
“The status of pdf books and copyright laws in
Shariah teaching.” *Journal of Islamic Thought and
Civilization* 9, no. 2 (2019): 88–110.

[Crossref](#)

Copyright
Information:

This article is open access and is distributed under the
terms of Creative Commons Attribution – Share Alike
4.0 International License

Publisher
Information:

Department of Islamic Thought and Civilization,
School of Social Science and Humanities,
University of Management and Technology
Lahore, Pakistan.

Indexing
Partners



For more

[please
click here](#)

The Status of PDF Books and Copyright Laws in *Sharī'ah* Teachings

Hafiz Muhammad Zubair*

Shamana Mudassir

Humanities Department,
COMSATS University Islamabad,
Lahore Campus, Lahore, Pakistan

Abstract

There are two kinds of copyrights, literary and monetary. The literary right is acknowledged as a legal right by everyone and it demands that any writing, invention, discovery or inscription should be ascribed to its original author or creator and not to anyone else.¹ However, scholars differ about the monetary right. There is no difference of opinion about receiving money for an invention or an authorship because it is supported by the Islamic law.² The actual point of debate is the registration of such an invention or authorship in someone's name under the provision of copyright laws which create a personal monopoly on the use of copyrighted knowledge. The majority of scholars is in favour of such copyright laws; whereas some academics based on the *Hanafi* School of jurisprudence are against the laws that guarantee intellectual property rights. This research article explores the origins and basis of both sides of the scholarly divide and suggests a moderate view between these two opinions.

Keywords: copyrights, copyright laws, e-books, intellectual property, patents, PDF books

Introduction

*Kitābosunnat*³ is the biggest online database of Urdu religious books which provides free downloading facility to its users. According to the website of its managing organization, that is, Islamic Welfare Trust, it spends a huge amount of capital to render this facility to users which includes the purchasing of original books, cost of their scanning, employees' wages, cost of purchasing and

*Correspondence concerning this article should be addressed to Dr. Hafiz Muhammad Zubair, Assistant Professor, Humanities Department, COMSATS University Islamabad, Lahore Campus, Lahore at mzubair@cuilahore.edu.pk

¹Husain al-Shahrānī, *Huqūq al-Ikhtirā' wa al-Ta'lif fi al-Fiqh al-Islāmī* (Riyadh: Dār taybah, 1425 AH), 116.

²Muhammad bin Ismā'īl al-Bukhārī, *Sahīh al-Bukhārī* (Egypt: Dār Ṭawq al-Najāh, 1422 AH), "The Book of Hiring," Chapter 16., "What is paid for *Ruqya*," 92/3.

³<https://kitabosunnat.com/home>

maintaining the domain, internet charges, etc. Many publishers are annoyed with this service of *Kitābosunnat*. The reason behind their annoyance is their concern about the reduction in the sale of books. This raises the debate among scholars about the legal status of the PDF book service from an Islamic viewpoint. We will discuss the issue in this paper based on the arguments of opponents and proponents.

1.1. History of Copyright Laws

Although book writing was initiated thousands of years earlier; however, there was no concept of copyrights. So, there are no records found in Islamic history about any debate related to this subject. There was no concept of copyrights prevalent in the West either. Thus, it can be aptly said that this is a modern issue. Legally, copyright laws were introduced in Italy in 1482, in England 1623, in France 1791, in America 1787, in Germany 1815 and in Ottoman Empire 1850.⁴

1.2. Jurists' Views about Copyrights

As far as the contemporary scholars are concerned, there are three different opinions prevailing among them regarding the issue of copyrights. The first group says that copyrights are lawful. On the contrary, the second group decries them as totally unlawful. Then, there is the third group which says that keeping copyrights is lawful for the authors, but it is not lawful to sell them to the publishers.⁵

This difference of opinion among scholars about copyrights is due to differences about the definition of the term "Wealth/Property." The problem lies in the question that whether "*Ilm*" (knowledge) can be considered a property or not. According to the *Hanafī* School, "Property" is something that can be preserved. So, it must be something material. This is why knowledge cannot be taken as property. In *Mālikī* view, property is something that can be owned and for *Hanbalīs* and *Shāfa'īs*, property is something that can be of some material utility.⁶

A considerable number of scholars are in favour of copyrights including Sh. Nizām-ud-Dīn Muftī, Sh. Abu Bakr Abu Zaid, Muftī Taqī Uthmānī, Sh. Mustafā Al-Zarqā', Sh. Wahbah al-Zuhaylī, Sh. Yousaf al-Qaraḍāwī, and Mawlānā Khālid Saifullah Rehmānī.⁷ Those who are not in the favour of copyrights include Muftī Sheikh Sahib, Sh. Ahmed al-Hajji al-Kurdī, Taqī-ud-dīn Nabhānī and Muhammad

⁴Husain al-Shahrānī, *Huqūq al-Ikhtirā' wa al-Ta'liḥ fi al-Fiqh al-Islāmī*, .331.

⁵Ibid., 238-242.

⁶Group of Scholars, *Al-Mawsū'ah al-Fiqhiyyah al-Kuwaitiyyah* (Egypt: Maṭābi' Dār al-Ṣafwah), 31-32/36.

⁷Husain al-Shahrānī, "*Huqūq al-Ikhtirā' wa al-Ta'liḥ fi al-Fiqh al-Islāmī*," 238-239.

Al-Hamid etc.⁸ Among the proponents of the third opinion, the name of Muhammad Nā‘im Yasin is well-known. It has been also declared illegal according to an online jurisdiction issued by Jamia Banuri, Karachi⁹ and in the seventh seminar on jurisprudence held by the *Shari‘ah* Council of Barayli, India.¹⁰ Some of the scholars like Abdullah bin Bayyah and Abdul Latif al-Farfawz have declared the impermissibility of copyrights only for religious writings and publications.¹¹ Among the proponent of the third view, the prominent name is of Muhammad Naeem Yaseen.¹² Another opinion is that non-Muslims who are in a state of war against the Muslims have no copyrights. Sheikh Šāliḥ Al-Munajjid says that “If these disks belong to a company in a state that is at war against the Muslims, there is nothing wrong with copying them, because those whose rights are to be respected are: Muslims, non-Muslims living under Muslim rule, and non-Muslims with whom the Muslims have a peace treaty – not non-Muslims who are in a state of war against the Muslims.”¹³

2. Analysis of Arguments and the Consequent Debate

Following are the key points of the debate between opponents and proponents of copyright laws.

2.1. Difference between Knowledge and Wealth

The opponents of copyrights say that knowledge cannot be considered a form of property under any definition of the word “property.” As a reference, you may take the example from the Holy Qur’ān: when Allah appointed Tālūt (AS) as the king of the Children of Israel, they objected on the grounds that he did not possess any wealth. Allah (SWT) answered them that no matter if he did not possess any property but he had been granted knowledge which was a sign of his superiority.¹⁴

⁸Ibid., 241.

⁹Fatwa Committee, *The Ruling on Copyrights*, (Karachi: Jamia uloom ul Islamia Banuri Town) <http://www.banuri.edu.pk/readquestion/کتاب-کے-مسودہ-کو-ر-انٹرنی-یز-لینا-دینا-/-http://www.banuri.edu.pk/readquestion/2018-10-28/حق-طباعت-کی-بیع-کا-حکم>

¹⁰Fatwa Committee, “Uploading of Books without Permission of Author,” (Karachi: Jamia uloom ul Islamia Banuri Town).

¹¹Husain al-Shahrānī, “*Huqūq al-Ikhtirā‘ wa al-Ta’līf al-Fiḥ al-Islāmī*,” 241.

¹²Ibid., 242.

¹³Šāliḥ Al-Munajjid, “He used Copyrighted Software to Create his Website,” IslamQA. <https://islamqa.info/en/answers/174626/he-used-copyrighted-software-to-create-his-website-and-he-did-not-know-that-doing-so-was-haram>

¹⁴And their Prophet (Samuel) said to them, “Indeed Allah has appointed *Talūt* (Saul) as a king over you.” They said, “How can he be a king over us when we are better fitted than him for the kingdom, and he has not been given enough wealth.” He said, “Verily,

Another argument in this regard is given from the example where Allah (SWT) says that the wealth of a man will not benefit him in the hereafter. However, at the same time He says that the knowledge of a man will benefit him even in the hereafter.¹⁵ Indeed, Allah (SWT) has given glad tidings of the hereafter to those who excel in knowledge,¹⁶ while he condemns those who keep on accumulating and counting wealth.¹⁷ So, it can be concluded that property is something material that can be multiplied and counted; whereas, knowledge is not such a kind of a material thing.

In response, the proponents of copyrights mention the narration about a group of companions who demanded money for exorcising the leader of a tribe. Narrated by Abu Sa'īd: a group of the companions of Allah's Messenger (SAW) proceeded on a journey till they dismounted near one of the Arab tribes and requested the tribesmen to entertain them as their guests, but they (the tribesmen) refused to entertain them. Then, the chief of that tribe was bitten by a snake (or stung by a scorpion) and he was given all sorts of treatment, but all in vain. Some of the tribesmen said, "Will you go to the group (of those travelers) who have dismounted near you and see if one of them has something useful?" They came to them and said, "O the group! Our leader has been bitten by a snake (or stung by a scorpion) and we have treated him with everything but nothing benefited him. Has anyone of you anything useful?" One of them replied, "Yes, by Allah, I know how to treat him with a *Ruqya*. But, by Allah, we wanted you to receive us as your guests but you refused. I will not treat your patient with a *Ruqya* till you fix for us something as wages." Consequently, they agreed to give those travelers a flock of sheep. The man went with them (the people of the tribe) and started spitting (on the bite) and reciting *Surah al-Fātiḥa* till the patient was healed and started walking as if he had not been sick. When the tribesmen paid them their wages they had agreed upon, some of them (the Prophet's companions) said, "Distribute (the sheep)." But the one who treated with the *Ruqya* said, "Do not do that till we go to Allah's Apostle and mention to him what has happened and see what he will order us." So, they came to Allah's Messenger (SAW) and mentioned the story to him. He said, "How

Allah has chosen him above you and has increased him abundantly in knowledge and stature. And Allah grants His Kingdom to whom He wills. And Allah is All-Sufficient for His creatures' needs, All-Knower." [al-Baqarah 2: 247]

¹⁵"The Day when there will not benefit [anyone] wealth or children." [al-Shu'arā' 26: 88]

¹⁶"Allah will raise those who have believed among you and those who were given knowledge, by degrees." [al-Mujādalah 58: 11]

¹⁷"Who collects wealth and [continuously] counts it." [al-Humazah 104: 02]

do you know that *Surah Al-Fātiḥa* is a *Ruqya*? You have done the right thing. Divide (what you have got) and assign for me a share with you.”¹⁸

The opponents say that the above mentioned example is a special case. That particular companion took the money because they had encamped near that tribe during their travel and they had requested the tribe for hosting them; however, their request had been denied.¹⁹ This example validates the demand for money for a service only for some valid reason and that will be termed as “*Ja‘alah*” but not as salary. “*Ja‘alah*,” that is, service charges should not be either predetermined or fixed.²⁰ Thus, the opponents say that knowledge cannot be considered a property. So, it cannot be sold. Although, one can receive “*Ja‘alah*” for the service that he renders to someone. It is because there is a narration that the best service charges are those that you receive for the Holy Qur‘ān.²¹ The basic difference between salary and “*Ja‘alah*” is that the salary of a person is always predetermined by the mutual consent of the employee and the employer, while “*Ja‘alah*” is not predetermined and it can be any amount given as the acknowledgement of the service. Due to this reason, before narrating the above mentioned Hadīth, Imām Bukhārī has quoted the saying of Imām Sha‘bī that a teacher should not put any condition for wage and he should thankfully accept whatever is given to him.²²

The opponents also say that knowledge is not a commercial good according to Islam. The West has made it a business which is not an exemplary act for the believers. Islam has made it compulsory for every believer to seek knowledge.²³ All religious scholars agree that this command is about seeking religious knowledge. However, they differ regarding the interpretation of this command

¹⁸Muhammad bin Asmail “*Ṣaḥīḥ al-Bukhārī*,” “The Book of Hiring,” Chapter 16, “What is paid for *Ruqya*,” (2276), 92/3.

¹⁹Our leader has been bitten by a snake (or stung by a scorpion) and we have treated him with everything, but nothing benefited him. Has anyone of you anything useful? One of them replied, “Yes, by Allah, I know how to treat with a *Ruqya*. But by Allah, we wanted you to receive us as your guests, but you refused. I will not treat your patient with a *Ruqya* till you fix for us something as wages.” Consequently, they agreed to give those travelers a flock of sheep. [Ibid., 92-93/3]

²⁰Ibn Ḥajar al-Asqalānī, *Fatḥ al-Bārī* (Beirut: Dār al-Ma‘rifah, 1379 AH), 456/4.

²¹Muhammad bin Ismail *Ṣaḥīḥ al-Bukhārī*,” “The Book of Medicine,” Chapter 34., “Conditions for doing *Ruqya* with *Surah Al-Fātiḥah*,” (5737), 131/7.

²²Muhammad bin Ismail *Ṣaḥīḥ al-Bukhārī*,” The Book of Hiring,” Chapter 16, “What is paid for *Ruqya*,” 92/3.

²³Muhammad Ibn Yazīd Ibn Mājāh, *Sunan Ibn Mājāh*, “Seeking knowledge is a duty upon every Muslim.” (Beirut: Dār Iḥyā‘ al-Kutub al-‘Arabiyya), “The Introduction to the Book,” Chapter 17, “Superiority of the Scholars,” (224), 81/1.

about worldly knowledge. Some scholars say that acquiring worldly knowledge is also binding upon believers, while others say that it is not. Whatever the case may be, considering knowledge as a property would give rise to multiple questions. If knowledge is a business / commercial good, then how it could have been made compulsory for every believer to acquire it without differentiating between those who can afford and those who cannot afford to pay for it. The general rule of Islam is not burdening a person beyond his / her capacity. If all the books related to Islam such as the Holy Qur'ān, books of Hadīth, their translations and explanations, and books of *Seerah* are to be purchased, then how will those people learn who cannot pay their price.

They also ask the question that if it is not obligatory to offer ritual prayers in accordance with the *Sunnah* of the Holy Prophet (SAW)? If the answer is affirmative, then it means that only those people can pray according to the *Sunnah* who can purchase the book relevant to it, that is, "*Ṣaḥīḥ Namāz-e-Nabawī*". If the person is unable to purchase this book then s/he cannot fulfill this obligation. S/he is bound to buy the book because both the author(s) as well as the publisher reserve their copyrights for this book. Similarly, there is no one to question these authors and publishers; whether they have transcribed and published the Prophetic method of praying or their own method of praying? If they accept that it is the Prophetic method, then the whole of the *Ummah* is considered as its heir and none of the author(s) or publisher can usurp this property of the *Ummah* in the name of intellectual property rights. So, any such legislation should be considered erroneous, which may hinder the promotion of knowledge; may it be the worldly knowledge or religious knowledge. Any such restriction will result in the concealment of knowledge, while we are ordered to promote the knowledge conveyed by the Messenger of Allah (SAW)²⁴ and concealing fundamental religious knowledge is deemed as sin.²⁵ Copyright laws restrict the poor's access to such type of knowledge that is compulsory to seek and impart. Knowledge cannot be owned as a property by anyone just as grass, fire and water are declared

²⁴Muhammad bin Ismail *Ṣaḥīḥ al-Bukhārī*, "The Book of Prophets," Chapter 50., "What has been said about Banī Isrā'īl," (3461), 170/4.

²⁵Indeed, they who conceal what Allah has sent down of the Book and exchange it for a small price - those consume not into their bellies except the Fire. And Allah will not speak to them on the Day of Resurrection, nor will He purify them. And they will have a painful punishment. [Al-Baqarah 2: 174]

public property and they cannot be owned by any single authority according to a narration of the Messenger of Allah (SAW).²⁶

In response to this point of view, the proponents say the Qur'ān is the book of Allah (SWT) and no one has the right to claim copyright on publishing, printing and distributing it as far as the content is concerned, unless s/he has put an effort into it which means that s/he is entitled to copyright, such as one who prints it with a commentary in the margins or the meanings of the words, or the one who publishes it in a program for which s/he has expended money and effort. In such cases, their rights are protected. Hence, if the Qur'ān downloaded from a website is something for which the site owners have clearly put an effort into programming it and preparing it in a form that they have invented, then they have the right to prevent others from publishing it unless it is done with their consent and they have the right to protect their copyright, not for the book itself, but for the effort they have put into programming.²⁷

2.2. Restrictions on the Right of Ownership

The opponents of copyright laws say that if we purchase the hard copy of a book, technically this book becomes our belonging and we are entitled to use it as we choose. We are in complete authority to keep that book with us, to donate it to a library, to gift it to someone else or to convert it into PDF and provide it online for public benefit. None of these acts can be considered contrary to the *Sharī'ah*. From its perspective, we are only bound not to claim that particular book as our own work and refer it to its original writer. So, if the publisher raises an objection on our act of converting a purchased book into PDF format and providing it online, this is itself a questionable objection. It is because this objection of the publisher deters our right of ownership which is not legally valid. So, this objection is considered baseless.

According to the proponents' point of view, there are certain terms and conditions for trading copyrights. These conditions should be fulfilled. The Prophet (SAW) said, "And the Muslims will be held to their conditions, except the conditions that make the lawful unlawful, or the unlawful lawful."²⁸ Similarly Jabir

²⁶Muhammad bin Yazīd Ibn Mājah, *Sunan Ibn Mājah*, The Chapters on Pawning," "The Muslims are partners in three things," (2472), 826/2.

²⁷Şālih Al-Munajjid, "Is there any Copyright on the *Mushaf* for the Printer or Programmer?" Islam QA.

²⁸Muhammad bin 'Esā Al-Tirmidhī, *Sunan al-Tirmidhī* (Beirut: Dār al-Gharb al-Islāmī, 1998), "The Chapters on Judgements from the Messenger of Allah," Chapter 17, "What has been related from the Messenger of Allah about Reconciliation," (1352), 28/3.

narrated, “While I was riding a (slow) and tired camel, the Prophet (SAW) passed by and beat it and prayed for Allah’s blessings for it. The camel became so fast as it had never been before. The Prophet (SAW) then said, “Sell it to me for one *Uqiyya* (of gold).” I said, “No.” He again said, “Sell it to me for one *Uqiyya* (of gold).” I sold it and stipulated that I should ride it to my house.”²⁹

In response to this, the opponents say that we need to know that there are two kinds of conditions, valid and void. Only those conditions are valid which comply with the Qur’ān and *Sunnah*. The conditions which do not comply with the Qur’ān and *Sunnah* will be regarded as inappropriate and they shall stand void.³⁰ Implying the condition of selling a book while excluding its composing is an example of such incongruous conditions, since every book is based on some composed material. It is as illogical as to say that a carpenter has sold his furniture excluding the wood used in making it. A book without composing is nothing more than a bind form of papers and obviously no one would even agree to call it a book. Then, who will be ready to pay its price. It is a known reality that people even hesitate to buy a book until they find something of their interest and value in it. So, any such condition would be as illogical as the one stated above.

They say another contemporary concept is that of “patents,” which grants its owner the right to eliminate others from making, using, selling, and importing an invention for a certain time period.³¹ This is very distressing in two ways: firstly, it helps the owner to make money by creating his / her own monopoly. S/he legally restricts others to free market competition and accumulates as much capital as he wants. Secondly, it also restricts others from seeking and imparting knowledge of a certain discovery or invention. The severity of patents can be determined through the example of pharmaceutical companies, whose scientists invent some medicine for the treatment of a certain disease and get the patent for that medicine. The company then sells that medicine on its desired rates on one hand and on the other hand, it is the only legal manufacturer of that medicine. No other pharmaceutical company is allowed to either sell or manufacture that product. It means that the public is exploited to purchase the medicine on rates offered by the company and

²⁹Muslim bin Al-Ḥajjāj, *Ṣaḥīḥ Muslim* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī), “The Book of *Al-Musāqāh*,” “Selling camels and stipulating that one may ride them,” (109), 1221/3.

³⁰Ahmad bin Shu‘aib al-Nasā’ī, *Sunan al-Nasā’ī* (Hilb: Maktab al-Maṭbū‘āt al-Islāmiyyah, 1984), “The Book of Divorce,” “Giving the choice to a slave woman who has been set free and whose husband is still a slave,” (3451), 164/6.

³¹Joo-Young Lee, *A Human Rights Framework for Intellectual Property, Innovation and Access to Medicine* (USA: Ashgate, 2015), 183.

they are not able to look for a substitute. This kind of monopoly may result in millions of deaths and health hazards. Similar is the case of different software companies. If a company develops a software, it restricts everyone else to make any changes to it and to develop its updated versions in the name of patent.³² The original company makes a lot of money under the umbrella of patent and copyrights and controls the promotion and advancement in the field of knowledge and learning.

According to them, copyrights have been created under the umbrella of globalism to benefit the capitalists. They only want money by any means, may it be at the cost of selling knowledge or even the air. It is very unfortunate that some of our scholars have also been hijacked by such wishful thinking and they have started to support a system which has deformed the whole scenario by replacing the cause of education with knowledge industry and by declaring students as customers. These very two approaches are enough to unveil the underlying selfish aims of this new system. Apparently, this system has been introduced for the betterment of students, teachers, writers and publishers. However, it is actually aimed at merely inventing new ways of promoting and helping materialism. Due to this kind of perilous effects of copyrights and patents, the copyleft was initiated in Europe to ensure the free availability of any intellectual work.³³ The Free Software Foundation also introduced an operating system by the name of GNU to facilitate the promotion of knowledge free of cost.³⁴ Sheikh Muhammad bin Saleh Al-Uthaymīn has also issued a fatwa that when publishers receive the cost price of any publication, then they cannot restrict others from the promotion of knowledge present in those publications.³⁵ A similar fatwa has been issued by Sheikh bin Bāz.³⁶ Sheikh Ṣāliḥ Al-Munajjid says, “If there is a great need for it and the owners are demanding more for it than it is worth, and they have already made enough money to cover their costs with a reasonable amount of profit, and that is something to be decided by experts. In that case it is permissible to copy it for personal use, not with the aim of selling it.”³⁷ Our ancestors have taught us to work selflessly for the cause of knowledge and learning. Sayyidanā Ali (RA) said, “We

³²H. Jackson Knight, *Patent Strategy: For Researchers and Research Managers* (USA: Wiley, 2013), 15.

³³John D. H. Downing, (ed.), *Encyclopedia of Social Movement Media* (UK: Sage, 2011), 142.

³⁴Ibid.

³⁵Husain al-Shahrānī, “*Huqūq al-Ikhtirā’ wa al-Ta’līf fi al-Fiqh al-Islāmī*”, 325.

³⁶Ibid.

³⁷Ṣāliḥ Al-Munajjid, Ṣāliḥ. “He used Copyrighted Software to Create his Website,” IslamQA.

are pleased by Allah's will that He granted us the knowledge and He gave wealth to the ignorant ones, for knowledge will remain forever while wealth will end up very soon."³⁸

2.3. Decrease in the Income of Publishers

Another argument presented by the publishers is that providing free PDF books without prior permission of the author(s) and the publisher results in their financial loss. So, this act is wrong because Islamic law prohibits harming others as there is a Hadīth, "Do not harm others so that you may not be harmed."

According to the opponents, this argument does not seem logical because it can lead to further complications. For example, based on this argument we can raise objection on the opening of super stores because they can harm many smaller enterprises by reducing the number of their potential customers. In this way, can we declare the opening of super malls illegal from an Islamic perspective. However, in this case, all the scholars will renounce our above mentioned verdict by presenting the argument of declaring a permitted act as prohibited.

These days, it is a common practice of many renowned newspapers that they are made available online early in the morning but this has not reduced the income of their owners. They use the method of online advertisement through their e-paper website which generates more profit due to the increase in the number of their online readers. When the newspaper sellers complained to the newspaper owners about the reduction in the sale of newspapers in print form, the owners started to publish them online a bit late in the morning and in this way they solved the problem of the sellers.

They say that the e-book publishing and selling is increasing in the West and due to this they are not facing any problem of decreased income.³⁹ One can raise the point that the above mentioned argument is very denigrating for religious

³⁸Ali bin Abi Talib RA, "Poetry of Ali RA," Shoaraa. <http://www.shoaraa.com/poem-6217.html#down>

³⁹In our point of view, it is a matter of fact that our religious books publishers are not using innovative methods of either publishing or marketing and they are putting the responsibility on those who are trying to provide services for the public and making it easy for them which is both religiously as well as humanly appreciable. I [Dr Hafiz Muhammad Zubair] wrote a book titled "*Şālih awr Muşlih*" and its 1100 copies were published initially. I also made it accessible online in PDF form. The publisher only sold 150 copies of it, while I sold 850 on my own. I achieved a higher selling rate even when I do not own any publishing house or bookstore. This example is an ample proof to counter the aforementioned argument of the publishers.

publishing houses. So, we should avoid any such debate. The answer to this objection is that we only intend to bring the publishers' attention to dig out the possible causes/reasons of reduction in the sale of the published religious literature in print form so that they can be addressed and solutions can be found. We are not only writers but also customers of book sellers. We want to make them realize the psychology of their customers, new marketing styles and business trends so they can come up with such techniques and methods that can help them to flourish their business. We do not at all want to teach them business techniques. The publishers need to work intensively to know the actual reasons of their decreasing sales. They can conduct surveys to know customer opinions, market trends and readers' interest. All the modern business institutions have their proper customer care departments that concentrate on noticing the interests and resolving the complaints of the customers in order to grow their businesses.

Unfortunately, most of the religious publishing houses only focus on factors contributing to the outlook of the books such as the design of the cover, quality of the paper, and catchy titles but they do not focus on the quality of writing. There are a lot of examples that people purchase the hard copy only after reading the online version of the books, when they find them interesting and convincing. Thus, the quality and style of writing should be the prime focus for the sale of books.

2.4. Copyrights of Ancestors and Legal Restrictions on Copyrights

The opponents say that if someone has published the translations of *Ṣaḥīḥ al-Bukhārī* and other books of Hadīth and they are claiming their intellectual property rights over them, then the question arises that who granted them these translation rights? If *Ṣaḥīḥ al-Bukhārī* is a kind of a composition and a property, then should its inheritance not be transferred to its legal heirs in the first place? Likewise, if a person has used mathematical formulas and algorithms while designing a software, then who had given him the rights to use those mathematical formulas in his software? None of the computer program or windows can run without the help of the digits zero and one, both of which serve as their language tools. Who authorized these computer and window programmers to use these digits without getting permission from the inventors of these two notations? Should they also have had not been granted copyrights or should these had not been transferred to their heirs? Isn't it a matter of surprise that Americans decided on their own that they would not consider any intellectual copyrights before 1923 and all such property would

be considered as public property?⁴⁰ They also devised the rule that intellectual property/copyrights cease after 50 or 70 years of the death of the owner.⁴¹

This argument is answered by the proponents that no one has the right to claim copyright on publishing, printing and distributing Islamic heritage as far as the content is concerned; unless someone has put an effort into that which means that s/he is entitled to copyright, such as the one who prints it with a commentary written in the margins or the meaning of the words.

The opponents say that the question is that the composition which a person claims as his/her own creation, what is his / her contribution in it? It will comprise many verses of the Holy Qur'ān and Hadīth. Many of the incidents quoted in it will be based on narrations. There will only be a few of his/her personal observations that will be cited by others. This is not only the case of the authors of religious literature but it is the same with those of science, philosophy, social sciences or any other field. If we look into the literature of philosophy, there is not a single publication which is not bearing the names of ancient philosophers such as Aristotle, Plato, Kant or Heidegger. If one goes through the books of scientific knowledge, he repeatedly finds the names of Newton, Einstein and Stephen Hawking. It is also a general practice that the majority of the researchers take help from online sources like PDF books, websites, and journals in order to write their dissertations, research papers and articles. Is it not an open contradiction that in their case they are benefiting from free online sources for their research and publications and at the same time they are targeting those who want to help others by making books available in PDF for free? Did they take any prior permission from all those writers and publishers? Or, did they confirm that the book they used was uploaded online for free by the permission of its writer? If not, then how can they ask for putting such restrictions on others? Is this just that they should be allowed to benefit from others' intellectual works for free but their own work should be protected through copyrights and they should be paid its royalty?

The opponents say, to no wonder, that non-Muslims believe and follow the manmade laws; whereas, we being believers are meant to seek help from divine guidance in every matter of life. At least, we should try to behave both rationally and fairly. If knowledge, either theoretical or practical, discovery or invention, can be taken as property and it can be labeled under the copyright laws, then it should

⁴⁰Stephen M. McJohn, *Copyright: Examples and Explanations* (New York: Aspen Publishers, 2006), 163.

⁴¹Lior Zemer, *The Idea of Authorship in Copyright* (USA: Ashgate Publishing Limited, 2007), 157.

be considered so from the very beginning and not after 1923. Our status is not that of the lawmaker but that of the law-finder. The law has been given right in the period of the Prophet of Allah (SAW); we have to merely try to find it out. *Ijtihād* is meant to find out or to search out a law and not to devise the law.⁴² Thus, if we accept the legality of copyright laws, then, firstly, we are bound to devote the money earned through the publishing of the Holy Qur’ān to *Baitullah* for Allah is real author of the Holy Qur’ān. Secondly, we must donate the income generated through the books of *Hadith* to the family of the Prophet (SAW). If, we will not declare this fatwa, then it will be considered an act of creation of law rather than an act of finding the law.

Similarly, if there was no concept of copyrights before 1923 even in America, then what would be the case of knowledge generated in the form of books, articles, inventions or discoveries before 1923? Whenever there is any innovation in the field of sciences, people use the earlier invented concepts, theories and formulas to make new discoveries. Who owns the copyrights of those initial discoveries and inventions? If they are considered public property, then why new scientists are to be given the privilege of having copyrights? As a matter of justice, all the earlier scholars, scientists and theorists’ copyrights should also be acknowledged and the money generated through their works should be given to their heirs as their legal right. If we consider the case of Islamic literature, then we should realize that our duty is to struggle for the understanding, searching and inferring the *Sharī’ah* rules using the ability of *Ijtihād* but not to devise the rules.

2.5. Legal Protection of Intellectual Property Rights

The proponents say that copyrights are protected by the civil laws of the states. They argue that our civil law accepts an orphan grandson’s right in the property of his grandfather, although our religious scholars are not ready to accept this law for its not being declared through the revelation.⁴³ Now, the question arises that what is the proof of the *Sharī’ah* validity of copyright laws? Copyrights include rights of two types, literary and monetary. Literary right is accepted by everyone which demands that knowledge in any form should be ascribed to its actual originator and ascribing it to anyone else is a lie and deceit, which is forbidden.⁴⁴ This is a universal truth that knowledge is attributed to the knowledgeable. As far as the

⁴²Dr. Wahbah Al-Zuhailī, *Al-Wajīz fī Usūl al-Fiqh* (Damascus: Dār al-Khayr, 2006), 275/2.

⁴³Dr. Hafiz Ahamd Yār, *Yatīm Potay kī Wirāthah kā Mas’alah* (Lahore: Al-Faisal Nāshirān), 55-57.

⁴⁴Husain al-Shahrānī, *“Huqūq al-Ikhtirā’ wa al-Ta’līf fī al-Fiqh al-Islāmī,”* 116.

aspect of monetary rights is concerned, there is a difference of opinion among the scholars. In this regard, there are three categories of opinion which were discussed previously. It was discussed that knowledge is not a property, so it cannot be treated as property. Property is something concrete and tangible, while knowledge (*‘Ilm*) is something immaterial and intangible. Knowledge is an ability to differentiate between good and evil or the quality to discriminate between righteousness and wrongdoing. As Allah Almighty has declared in the Holy Qur’ān, “Allah will surely make evident those who are truthful, and He will surely make evident the liars.”⁴⁵ So, knowledge is a quality which according to the saying of the Messenger (SAW) is the inheritance of the prophets and it is transferred to the scholars. However, this inheritance is not like that of currency, gold or silver. Thus, we cannot deal with it in the same way we enforce the laws of inheritance on currency, gold, and silver, etc.⁴⁶

Another point that has been raised by the proponents in this regard is that if intellectual property is not a property, then why do we use the term plagiarism (intellectual theft) for the undue ascribing of someone as an originator/author of any literary / research work? This objection is answered by the opponents who posit that the concept of the word theft is used here metaphorically. Therefore, scholars have not asked for carrying out the Islamic punishment of cutting of the hands of a person who is guilty of committing plagiarism. The Holy Qur’ān or Hadīth cannot be claimed by anyone as his / her own property. Thus, we use the term of intellectual theft or plagiarism for unfair and false attribution of knowledge in a metaphorical sense, but it is not a kind of theft which is covered by the term “*Saraqah*.” So, if people think that knowledge is also a property like any other form of property, then they should also announce the punishment of cutting of hands for the plagiarizers; an Islamic punishment of committing theft. Since the proponents of copyrights will not agree to this point, it means that they do not have any solid base for declaring knowledge as property. On this ground, it can be deduced that literary rights of an author/writer are logical and acceptable; however, monetary rights (in the name of copyrights) are debatable. One of the arguments presented by the supporters of the monetary rights of the authors is based upon the following Hadīth: “The best of the wages are those that are earned by the

⁴⁵Al-‘Ankabūt 29: 3.

⁴⁶Ahmad bin Ḥanbal, *Musnad Ahmad*, (Beirut: Mu’assasah al-Risālah, 2001), The scholars are the heirs of the Prophets, for the Prophets did not leave behind a Dinar or Dirham, rather they left behind knowledge. [“The Book of al-Anṣār” “Hadith of Abī al-Dardā’”, (21718), 45/36.]

(education of) Holy Qur'ān".⁴⁷ Those who quote the reference of the Hadīth, according to which a companion took service charges for curing the sick leader of a tribe by reciting a few verses of the Holy Qur'ān⁴⁸ should know that does not at all generate any license for the validity of the contemporary concept of copyrights. The modern concept is that a person can reserve all the rights of publishing or usage of his invention, discovery or inscription and s/he can sell these rights to whom s/he wants. If this would have been the case, that particular companion would have registered those verses in his name and he would have placed the restriction of taking permission from him before using his method of treatment, which seems very ridiculous. There is no such restriction put by our religion.

They also say that this is also a fact that any writing, discovery or inscription of contemporary times is directly or indirectly based on previous inscriptions, discoveries or inventions. Similarly, almost every author or writer today is using free online PDF versions of various literary works as reference material but when they come up with some innovative work, they start claiming their copyrights. If it had been the case that all previous literary or scientific works were not available for free in the libraries, then the existing pace of progress in the field of knowledge and learning that we witness today would not have been possible. So, claiming any kind of copyrights in the monetary sense is not in any case just. If this rule has to be implemented, then the right of justice demands for its implementation from the very day when the first ever book was penned down. If there can be any real copyright owners, they should be the pioneers of all the ideas, theories or inventions to which all the latest innovations are indebted. If Americans have devised a law that there are no copyrights for any intellectual works done before 1923, then⁴⁹ it is an unjust and a highly discriminating law. This law can neither be taken as a standard nor can it be established as a *Sharī'ah* compliant law. If this is considered as lawful from an Islamic perspective, then we are bound to give this right also to our precursors who laid the bases of all the fields of knowledge and after their demise, the income generated from their writings should be given to their legal heirs. In case of the absence of any heirs, it should be deposited in *Bait al-Māl*.

If copyrights are considered as *Sharī'ah* compliant rights, then all the publishing houses and institutions who are publishing the pioneers' intellectual works like *Ṣaḥīḥ al-Bukhārī*, *Sahih Muslim*, books of Imam Abu Hanifa and Ibn

⁴⁷Muhammad bin Ismail, *Ṣaḥīḥ al-Bukhārī*, "The Book of Hiring," Chapter 16., "What is paid for *Ruqya*," 92/3.

⁴⁸ Ibid.

⁴⁹Lior Zemer, "The Idea of Authorship in Copyright," 157.

Taimiyah etc. should be asked that who granted them the copyrights for publishing these books. Every nascent author quotes several works of the pioneers in his / her research paper and refers to many studies conducted earlier. Then, how can s/he claim his/her own work as his/her creation. No piece of contemporary intellectual work is completed without citing a considerable number of related primary works. There is not even a single example of any Islamic publication in which there would not be any references from the Holy Qur'ān, *Sunnah*, *Tafasīr* and their translations. Every author is bound to refer to ancient writings. Then, how they can solely claim for copyright ad royalty. How can they ask for not converting their books into PDF and making their online access free when they themselves are using others' writings free of cost, available in the form of online databases, libraries, journals and PDF format?

The opponents say that the word "rights" (in Arabic *Huqūq*) used in the term copyrights needs to be described from an Islamic perspective. For this purpose, we need the help of the revelation (*Waḥī*). We cannot declare any right as *Sharī'ah* compliant until it is supported by some strong evidence derived from the revelation. All Muslims agree upon the fact that any right would be declared as *Sharī'ah* compliant only if it is either proved to be so in the light of the Holy Qur'ān, *Sunnah* or an argument based on any of them, but not proved by some evidence based on the civil law. It is because our civil law is not 100% in accordance with the *Sharī'ah*. For example, if the *Sharī'ah* compliance of rights was based on the civil law, then we had to declare all the tax related laws as *Sharī'ah* compliant. Whereas, the Holy Prophet (SAW) has cursed those rulers who impose taxes on the public.⁵⁰

The proponents ask that why copyrights are tagged as innovation? The reply is that it is due to the irrational and unjust application of these rights. Since these rights are applicable only in the 20th century, while there is no such privilege granted to those who served as pioneers in all fields of knowledge and invention before the 20th century. How can such unjust rights be called *Sharī'ah* compliant, which neither have any base in the Book of Allah nor can be traced from the practice of His Messenger (SAW). If our pioneers' services were for free from whom we all have learnt, then how can we deprive them of the rights that we claim for ourselves. If millions of religious books have been written and published over centuries without any consideration of monetary benefits in the form of copyrights, then why can't we serve the present generations in the same manner? Why are we

⁵⁰Abū Dāwūd, *Sunan Abū Dāwūd* (Beirut: Dār al-Risālah al-Ālamiyyah, 2009), "One who wrongfully takes tax, will not enter Paradise." ["The Book of Tribute, Spoils and Rulership," Chapter 7, "One collecting charity," (2937), 562/4.]

longing for the permissibility of selling knowledge to our future generations? We need to think that what would have been the picture if these rights had been introduced in the lifetime of the Prophet (SAW)? Could we even think of the availability of the treasures of knowledge that we have with us today?

Now, we can ask those publishers that what is their real approach regarding copyrights; do they include them in *Sharī'ah* rights or civil rights? If copyrights are considered as *Sharī'ah* rights, then our civil law is not in favour of them; this is due to the fact that according to Pakistani law, an author can claim copyright from the day of his publication till fifty years after his death. This law is against Islamic teaching in three ways: firstly, according to it, copyrights can continue even fifty years after the death of an author; however, according to Islam every right is ceased soon after the death of a person.⁵¹ Secondly, Islam grants every right on the basis of equity and equality, while this law lacks both of these features. For example, the limit counted for the copyrights claim is from the day of publication until after 50 years of the death of the author. However, if the author remains alive till 50 years after the publication of his / her work, then his copyright will remain valid for 100 years. So, the actual nature of this right is not determined correctly which is against the spirit of the Islamic concept of rights. Thirdly, if copyrights are considered intellectual property rights, then it means these are a form of property which remains in the heir's ownership even after 50 years of the death of the actual owner. Whereas, in Islamic *Sharī'ah*, every property right is finished immediately after the death of a person and his property is transferred to his legal heirs. Moreover, if after 50 years copyrights do not remain applicable by law and the intellectual property of a person is declared as public property, then it would again be an illegal act according to the Islamic *Sharī'ah*.

If they take copyrights as civil rights, then it is not necessary that every civil right is in accordance with the *Sharī'ah*. It can either be in accordance with the *Sharī'ah* or contrary to it. There would be a difference of command about the obligation of both types of law by the public. If a civil law is about permissible acts, such as traffic rules, then the public is bound to observe these laws both in its internal as well as external spirit. In case of the respective law being contradictory to the *Sharī'ah*, it would be observed in its external spirit only and it would be done so to meet the demand of the state. Its analogy is that of the imposition of government taxes, which are not lawful according to the *Sharī'ah*, but public can only avoid paying them through some legal means but not otherwise.⁵²

⁵¹Dr. Wahbah Al-Zuhailī, “*Al-Wajīz fī Uṣūl al-Fiqh*,” 492/1.

⁵²Dr. Abdullah al-Faqih, “*al-Ḥīlah wa al-Taharrub min al-Dharā'ib*,” Islamweb.

2.6. Argument of ‘Urf

Some proponents of the copyright law derive support for their view from “‘Urf.” According to the opponents, they again need to look into the complete concept of “‘Urf.” “‘Urf” is of two types; “‘Urf *Ṣaḥīḥ*” (valid custom) and “‘Urf *Fāsid*” (invalid custom). It is a known fact that an argument cannot be based on “‘Urf-e-Fāsid” (invalid custom).⁵³ It is just as if we may derive support for the practices of “*Third Eid*” and “*Basant*” in the name of “‘Urf,” which many of the scholars actually don’t and they declare both of these customs invalid under the tag of innovation. Following them, copyrights can also be declared invalid because they are also from among the 20th century’s innovations.

2.7. The Death of the Book

Another claim against the availability of PDF books was introduced with the title of ‘the end of the book’. The proponents say that the book will die after the provision of the availability of books in PDF form and the readers will stop buying the books, which will end their publication.

In response to this, the opponents say that the book will not die but only its format will change, that is, it will be available in soft form instead of the hard copy and knowledge will continue to spread. We can take the example of audio and video cassettes that are now replaced by multiple kinds of other modified sources used for the same purpose. Today, we have entered into an age where USB has outdated the use of CDs and DVDs and no sooner we will witness that CDs and DVDs will not be available in the markets. With respect to the field of knowledge and learning, we are entering into the phase of e-books and e-publishing and the transmission of knowledge through handwritten transcripts (*Qalmī Nuskhy*) is only the subject matter of old stories. Those earlier handwritten transcripts now serve as marvels of antiquity enchanting the public either in the museums or in the libraries.

It is also a historical fact that with the launching of printing press the income of the scribes were reduced but they didn’t protest for its closing. After a few years of the introduction of this new mode of inscription, the handwritten inscription method became totally obsolete. More recently, with the invention of computers, we have entered into the era of composing on the computers. Now, with the advancement in the field of technology, the trend of e-publishing is growing and due to this trend the income of printing presses all around the world has reduced. Newspapers like New York Times are also facing reduction in their income

⁵³Abdul Wahhāb Al-Khallāf, *‘Ilm Uṣūl al-Fiqh* (Cairo: Maktabah al-Da‘wah), 89.

through their print version. It is also a crystal clear reality that the majority of the scholars, researchers and educators are using online sources, e-books and softwares for the purpose of teaching, learning and researching. To facilitate them in using these resources, the western world is ahead of all in launching its online libraries: some of them are totally free for public use while others give access through online paid registration. But we are still in the phase of discussion that whether PDF books are permissible or impermissible from an Islamic perspective. Alas, this is what we had done in the past as well. We were busy in discussing that whether to learn scientific knowledge is *halal* or *haram* and the world was kept making progress in all fields of science and technology on which we all are dependent today.

We should join hands to work together and find out solutions of all these problems. We need to devise new strategies in order to meet our common goal of the promotion of knowledge and wisdom. It cannot be disputed that in coming years only those authors, writers and researchers will survive who will customize themselves with the new technological demands related to the field of knowledge and education. By using all these soft sources like e-publishing, e-books, PDF books, databases and softwares, we can gain both monetary as well as educational benefits. Here, we offer some practical solutions that can help us all.

If the publishers think that their income will reduce after the availability of the PDF version of their hard-printed books, then they can take the following steps to meet their economic loss,

- 1) They can launch the hard as well as the soft copy (PDF form or e-book) of their new publications at the same time.
- 2) They can offer these copies on normal payment to the general public while they can offer the same on special discounted prices to institutes like Sunnah.com, online libraries and universities to help students, scholars and researchers who do not have adequate finances to spend on these resources.
- 3) They can create their own online libraries or e-book houses in collaboration with such institutes, either free of cost or with nominal quarterly or yearly registration fee. This will help the cause of serving the public and it will also help the authors and publishers to generate income.
- 4) They can sell both the soft as well as the hard copies of their publication on suitable prices to the other communities for earning profit.

3. Conclusion

For us, copyright laws are just a sophisticated way to make knowledge an economic good. When knowledge has been accepted as an economic good, the publishers and authors as sellers and the students and readers as customers, then we can look into the future of knowledge and learning. Knowledge is being limited to only those who can afford it. If this had been the case in the period of the Holy Prophet (SAW) and his companions, then all Islamic knowledge had been restricted only to the first generation of the believers and we would have been deprived of it. Does this seem Islamic at all? According to Islam, “Knowledge is an incessant charity.” When it has been declared as charity then how can we legalize copyrights and patents laws? If we have to earn money there are countless ways for that, why do we assert upon declaring a source of charity as an economic product?

Knowledge is a joint heritage of mankind in Islamic viewpoint, which in no case can be claimed as one’s personal belonging. It must be shared and utilized for communal good. Someone who introduces a new theory, invents some instrument or discovers new elements can only receive services charges as compensation for the time and energy s/he consumed during this process. It is not at all fair to establish techniques for trading knowledge in the name of copyrights and patents. If our ancestors who were the real originators of knowledge never claimed any such rights, then can we get these types of licenses to buy and sell knowledge while we are not even the originators? Every innovation or advancement in the field of knowledge, may it be pure sciences, social sciences, arts or the literature, is indebted to the works of those ancestors who devoted their whole lives to learning and imparting knowledge but they didn’t even think of making money through it. Those who founded and erected this building of knowledge and learning worked selflessly till their last breath have no rights and today’s budding researchers, authors and scientists are longing for taking its credit and reaping its fruit, may it be in the form of fame or money. Thus, copyright laws limit the promotion of knowledge and learning and become the source of exploitation of the masses. This sort of monopolistic behavior has no support from either of the two basic sources of the *Shari’ah*. If we look with an unbiased approach, we will reach the fact that all authorship, discoveries and inventions are based on previous works and none of them is 100% independent of the others. So, none of them can be considered as real innovation.

Thus, concluding the above discussion, we can say that both the author as well as the publisher can take cost, publishing and service charges for the services they rendered to write and publish the book. There are no *Shari’ah* acquiescent rules through which either the authors or the publishers can put any restrictions on the

buyers with respect to the utilization of the purchased product. The buyer is at total liberty to either read the book, to donate it to some library, to gift it to anyone else or to make it accessible online for free in PDF form for personal use and not with the aim of selling it, provided if the author and publisher have already made enough money to cover their costs with a reasonable amount of profit.

Bibliography

- Al-Faqīh, Dr. Abdullah. “al-Ḥīlah wa al-Taharrub min al-Dharā‘ib.” Islamweb. April 01, 2019. <http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=Fatwad&lang=A&Id=11198>.
- Abū Dāwūd, Sulaimān bin al-Ash‘ath. *Sunan Abū Dāwūd*. Beirut: Dār al-Risālah al-‘Ālamiyyah, 2009.
- Ahamd Yār, Dr, Hafiz. *Yatīm Potay kī Wirāthāt kā Mas‘alah*. [Inheritance of Orphaned Paternal Grandson, urdu] Lahore: al-Faiṣal Nāshirān.
- Al-Bukhārī, Muhammad bin Ismail. *Sahih al-Bukhārī*. Egypt: Dār Tawq al-Najāh, 1422AH.
- Al-Ḥajjāj, Muslim. *Ṣaḥīḥ Muslim*. Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī.
- Ali bin Abi Talib RA. “Poetry of Ali RA.”. Shoaraa. April 01, 2019. <http://www.shoaraa.com/poem-6217.html#down>.
- Al-Khallāf, Abdul Wahhāb. *‘Ilm Uṣūl al-Fiqh*. Cairo: Maktabah al-Da‘wah.
- Al-Munajjid, Ṣāliḥ. “He used Copyrighted Software to Create his Website.” Islam Q A. May 01, 2019. <https://islamqa.info/en/answers/174626/he-used-copyrighted-software-to-create-his-website-and-he-did-not-know-that-doing-so-was-haram>.
- Al-Munajjid, Ṣāliḥ. “Is There any Copyright on the Mushaf for the Printer or Programmer?” Islam Q A. May 01, 2019. <https://islamqa.info/en/answers/175071/is-there-any-copyright-on-the-mushaf-for-the-printer-or-programmer>
- Al-Nasā’ī, Ahmad bin Shu‘aib. *Sunan al-Nasā’ī*. Hilb: Maktab al-Maṭbū‘āt al-Islāmiyyah, 1984.
- al-Tirmadhī, Muhammad bin ‘Esā. *Sunan al-Tirmadhī*. Egypt: Muṣṭafā al-Bābī al-Hilbī, 1975.

- al-Tirmidhī, Muhammad bin ‘Esā. *Sunan al-Tirmadhī*. Beirut: Dār al-Gharb al-Islāmī, 1998.
- al-Zuhaili, Wahbah, Dr. *Al-Wajīz fī Usūl al-Fiqh*. Damascus: Dār al-Khayr, 2006.
- Fatwa Committee. “*The Ruling on Copyrights*.” Karachi: jamia uloom ul islamia Banuri town April 01, 2019. <http://www.banuri.edu.pk/readquestion/-کتاب-کے-مسودہ-کو-ر-انلیٹی-پر-لینا-دینا-حق-طباع-ت-کی-بیع-کا-حکم/2018-10-28>.
- Fatwa Committee. “*Uploading of Books without Permission of Author*.” Karachi: jamia Uloom ul Islamia Banuri Town. April 01, 2019. <http://www.banuri.edu.pk/readquestion/-مصنف-کی-اجازت-کے-بغیر-کتابیں-اب-لوڈ-کرنا/2016-02-13>.
- Group of Scholars. *Al-Mawsū‘ah al-Fiqhiyyah al-Kuwaitiyyah*. Egypt: Maṭābi‘ Dār al-Şafwah.
- Knight, H. Jackson. *Patent Strategy: For Researchers and Research Managers*. USA: Wiley, 2013.
- Ḥanbal, Ahmad. *Musnad Ahmad*. Beirut: Mu‘assasah al-Risālah, 2001.
- al-Shahrānī, Husain. *Huqūq al-Ikhtirā‘ wa al-Ta’līf fī al-Fiqh al-Islāmī*. Riyadh: Dār taybah, 1425 AH.
- al-Asqalānī, Ibn Ḥajar. *Fath al-Bārī*. Beirut: Dār al-Ma‘rifah, 1379 AH.
- al-Qazwīnī, Ibn Mājah, Muhammad bin Yazīd. *Sunan Ibn Mājah*. Beirut: Dār Iḥyā’ al-Kutub al-‘Arabiyya.
- Downing, John D. H. (ed.). *Encyclopedia of Social Movement Media*. UK: Sage, 2011.
- Lee, Joo-Young. *A Human Rights Framework for Intellectual Property, Innovation and Access to Medicine*. USA: Ashgate Publishing Limited, 2015.
- Zemer, Lior. *The Idea of Authorship in Copyright*. USA: Ashgate Publishing Limited, 2007.
- McJohn, Stephen M. *Copyright: Examples and Explanations*. New York: Aspen Publishers, 2006.