

Article

The Copyright Dispute between Maula Jatt (1979) and The Legend of Maula Jatt (2022)

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Abstract: Comparison between The Legend of Maula Jatt (2022) a blockbuster re-release of the 1979 Punjabi cult film Maula Jatt provides insight into the issues of the IP regime in Pakistan in relation to remakes, protectability of characters, the division between literary and cinematographic rights, and informal industry traditions. It ran between 2017 and 2020, opposing the original producer of the 1979 film (Muhammad Sarwar Bhatti of Bahoo Films) and his heirs with the original screenwriter, Nasir Adeeb, on the side of the 2022 reboot. The fight revealed a loophole in the Copyright Ordinance, 1962 of Pakistan especially the interaction between the family of original producer Sarwar Bhatti, claiming rights in the 1979 cinematographic (film-specific) work and the trademarks around it; and original writer Nasir Adeeb, claiming underlying literary (script, character, story) rights in the characters and the story vested in authors. In this paper, the paper will follow the origins of the conflict in the folkloric Punjabi archetypes, the escalation of the conflict to IPO tribunals, high courts, the key moment of the distribution of the rights assignment to the screenwriter Nasir Adeeb, the out-of-court settlement of 2020, and its implications to the creative industries. The given paper advances the thesis that the modernization of legislation is needed to create a level of balance between the rights of the author, motivation to produce, and preservation of culture in the context of an even more globalized Pakistani cinema. The eventual out-of-court settlement left core legal questions unresolved, highlighting urgent needs for legislative clarity, industry reform, and transnational IP cooperation mechanisms.

Keywords: copyright law; trademark; derivative works; work-for-hire; Berne convention

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1. Introduction

Maula Jatt, the avenging and charismatic Punjabi folk hero, became part of the popular imagination due to the script written by Nasir Adeeb, and the iconic portrayal of the role by Sultan Rahi in the film Maula Jatt (1979). The combination of the earthy poetry, physical action and the question of right and wrong has solidified its position in the culture as a landmark. Although the scriptwriter (Nasir Adeeb) produced words and storyline, the star (Sultan Rahi) and the director (Yunis Malik) worked con-jointly to produce the body, tone and the final cultural effect of the character. The character was a combination of swagger of Rahi combined with the pen of Adeeb and staging of Malik.

The film industry of Pakistan, popularly referred to as Lollywood, had plummeted drastically since the 1990s as a result of censorship, political unrest, video piracy and competition with the Indian and television industries. The cultural renaissance of the 2000s, driven by private investment, diaspora viewership and the rise in production values, saw such cultural milestones as The Legend of Maula Jatt (2022), which earned over PKR 2 billion in domestic revenue, becoming the highest-grossing Pakistani film of all time. However, this achievement was almost ruined by a five-year IP conflict which initiated in 2017, showing how the lack of clarity in copyright issues of the Lollywood golden age (1970s-1980s) may endanger initiatives of the present era.

The dispute revolved around the rights to the iconic characters of Maula Jatt (the vengeful rural hero) and Noori Natt (the ruthless antagonist) which were initially popularized in the 1979 movie of the same name directed by Muhammad Sarwar Bhatti under Bahoo Films and written by Nasir Adeeb. The heirs of Bhatti claimed the exclusive rights in cinematography and trademark, and the reboot group had to use Adeeb assigning literary rights. In addition to halting production

and marketing, the case also revealed the weak areas in the Copyright Ordinance, 1962¹ in Pakistan, especially to cover derivative works, character protection, and chain-of-title in old established films (Lodhi 2019,2020). Posters of both films are shown in Figure 1.

The difference between unprotected ideas and the protected expression, one of the landmark premises of the copyright theory in most countries of the globe, is especially prickly when it comes to folklore. At what point does Nasir Adeeb make his starting points and where does the community cultural heritage start? This is the central issue in the debate and is indicative of the wider discussions of what copyright protection should be in as far as works that are based on conventional cultural expressions (TCEs) are concerned.

2. Folkloric Origins and the 2022 Reboot

The archetype of Maula Jatt and Noori Natt is based on the fertile tradition of caste-based antagonisms between the Jatts agrarian and the Natts nomadic, and heroic masculinity of Punjab. Such stories are older than movies and belong to the so-called cultural commons of Punjab common, dynamic stories that cannot be owned by any individual (Mir 2010). The Jatt-Natt conflict is historical socio-economic tensions existing in the Punjab society wherein settled agricultural communities were in constant conflict with the nomadic ones over land, resources and social status. Folklores as core motifs (revenge cycles, rural honor, machete-wielding justice) tend to be ineligible to copyright protection, which only protects particular expressions (Goldstein and Bernt 2019).



Figure 1. Posters of Maula Jatt (1979) and The Legend of Maula Jatt (2022).^{2,3}

The archetypes were distilled into a market-driven formula by Maula Jatt (1979), directed by Younis Malik and scripted by Nasir Adeeb, produced by the Bahoo Films studio, in which Sultan Rahi played the role of a larger-than-life Sultan. The film was characterized by the script, dialogues, and character specifics that were created by Nasir Adeeb. The movie was produced in the period of the Lollywood golden age (1960s-1980s), which is marked by large volumes of production, huge popularity, and industry peculiarities. In the project, the nature of informal organization was characteristic of the oral contracts, trust relations and producer-based control and gave rise to the lingering uncertainty in ownership (Gazdar 1997). The use of screenwriters such as Adeeb was generally a commissioned project without any written assignment assent that would define the transfer of rights with reference to further adaptation, sequel, or reboot. The movie was playing years in cinemas, gave rise to the unofficial sequels (which were frequently penned by Adeeb himself), and became a cult phenomenon as a form of protest against the government. Although it is undeniable that the 1979 movie was an integrative effort of producer Bhatti, writer Adeeb, director Malik, and actors Sultan Rahi and Mustafa Qureshi, the legal relations between these parties, in particular, the residual rights, were not explicitly defined. This casualness was classic of the Lollywood model of operation, which would be fatally ineffective when it had to face the legal demands of 21st century international film distribution. Comparison between both is given in Table 1.

¹ <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa5pibA%3D%3D-sg-jjjjjjjjjjjj>

² <https://www.dawn.com/news/1660700>

³ https://en.wikipedia.org/wiki/The_Legend_of_Maula_Jatt

Table 1. Comparison between Maula Jatt and the legend of Maula Jatt.

Feature	Maula Jatt	The Legend of Maula Jatt	Dispute Context
Release Year	February 11, 1979	October 13, 2022	-
Language	Punjabi	Punjabi (Major release in Urdu-dubbed version)	Dispute involves rights to characters, story, and title.
Director	Yunus Malik	Bilal Lashari	-
Producer	Sarwar Bhatti (Bahu Films)	Bilal Lashari & Ammara Hikmat (Lashari Films & Encyclomedia).	Sarwar Bhatti/Bahu Films claimed ownership of original film's copyright.
Lead Actors	Sultan Rahi (Maula Jatt), Mustafa Qureshi (Noori Natt), Aasia (Mukkho Jatti).	Fawad Khan (Maula Jatt), Hamza Ali Abbasi (Noori Natt), Mahira Khan (Mukhoo Jattni).	Rights to portray these iconic characters were central to the lawsuit.
Style & Tone	Classic, raw Punjabi folk action-drama; cult "masala" film.	Epic, high-production fantasy/action; darker, stylistic reinterpretation.	New film presented as a "reimagining," not a remake, to navigate IP issues.
Cultural Impact	Defined the Punjabi cinematic "Gandasa" genre; legendary pop culture status.	Broke box office records; introduced the legend to a global, new-generation audience.	Dispute highlighted lack of formal IP documentation in classic Lollywood era.
Underlying Story Rights	Claimed exclusive rights to the <i>cinematic adaptation</i> of the folk story as fixed in the 1979 film.	Argued the base story is <i>public domain</i> Punjabi folklore originally written by Ahmed Nadeem Qasmi.	Distinction between underlying folk tale (public domain) and specific cinematic expression (protected).
Script and Screenplay	Claimed copyright over the 1979 film's <i>specific dialogue, scenes, and sequences</i>	Argued 2022 film uses <i>different plot structure, dialogue, and character development</i> .	2022 team avoided direct copying of exact scenes/dialogue to create differentiation.
Character Depiction	Claimed copyright over <i>specific character portrayals</i> (Sultan Rahi's Maula Jatt, Mustafa Qureshi's Noori Natt).	Argued characters are <i>archetypal folk characters</i> and 2022 versions are substantially different in portrayal.	Gray Area: Copyright protects original expression of characters, not stock character types.
Title	Claimed common law rights through extensive use and association since 1979.	Argued title descriptive of folk hero; added "The Legend of" for differentiation.	Titles generally weak copyright protection; stronger under trademark law.
Settlement Impact	Likely received compensation for use of recognizable elements.	Paid for clear rights and avoidance of prolonged litigation.	Out-of-court settlement prevented definitive legal precedent on these copyright questions
Title as Trademark	Claimed "Maula Jatt" had acquired <i>secondary meaning</i> as source identifier for 1979 film.	Argued title describes content; "The Legend of Maula Jatt" is distinct.	Unregistered trademark rights possible through long use and recognition.
Character Names as TM	Claimed exclusive association between character names and 1979 film versions.	Argued character names refer to folk figures, not exclusive to 1979 film.	Character names generally not trademarked unless used as brand (e.g., merchandise).
Passing Off Claims	Alleged new film would mislead public into believing it was sequel/remake by original producers.	Demonstrated different marketing, style, and credits to show distinct source.	Key test: Would average viewer be confused about source/sponsorship?
Trade Dress and Visual Elements	Claimed distinctive visual elements (costumes, weapons, hairstyles) associated with 1979 film.	Created substantially different visual aesthetic and production design.	Trade dress protection requires non-functional distinctive elements causing confusion.

The film by Bilal Lashari turned the narrative into a high-budgeted (5-7 million) visual spectacle epic with global prospects, which was sold to the diaspora audiences and streaming opportunities. Having advanced cinematography, high-level production,

and modern narrative sensibility, the reboot was supposed to be beyond the Lollywood regional market and compete on the global streaming platforms. Adeeb also added dialogues to his continuity, which the team sold as an original retelling. The producers of the reboot Ammara Hikmat and Bilal Lashari knew that they were to win over the right of adaptation. They got an assignment of Nasir Adeeb, which they thought included the rights to the literature needed. They however underestimated or decided to dispute the claims of the heirs of the original producer, which made the case to an all-out legal battle. The unprecedented budget and commercial goals of the film put an exponentially greater amount of pressure on the film, and turned what would otherwise have been a small-scale disagreement over a local film into a multimillion-dollar IP issue where the future of the Pakistani film revival hung in the balance.

3. The Dispute: Core Claims and Counter-Arguments

The core of the domestic controversy was that there were varied meanings of the Copyright Ordinance, 1962 (Ordinance XXXIV of 1962)⁴ which is the main law that gives protection to copyrights. The Ordinance, which is based on the previous British laws and later adjusted to fit the changing global standards, forms a pattern that made it possible at the same time difficult to deal with the Maula Jatt claims. Section 2(c) consists of the definition of cinematographic works; Section 10 gives preliminary ownership to producers. Works of literature (Section 2(l)) are the ones that are left unassigned (Section 14). Adaptations need clearance of literary-rights. Unauthorized reproduction and adaptation are banned by section 57 while injunctions are allowed in section 56. Section 9 leaves out ideas as being under protection.

Another basic doctrine point to the Maula Jatt conflict is the fact that Pakistan has no statutory work-for-hire-doctrine. This omission gave rise to the main point of uncertainty: when Nasir Adeeb was commissioned to prepare the 1979 script, did the copyright first exist in him as author, or did it automatically pass to producer Sarwar Bhatti as an element of a work-for-hire relationship? In contrast to the U.S. law (17 U.S.C. § 101)⁵ that plainly states that any works created by the employees during the course of the employment belong to the employer, the Copyright Ordinance of Pakistan does not include such a similar statement. Rather, Section 14 assumes the authorship status in the hands of a creator unless transferred otherwise. In the absence of statutory guidance, the courts are forced to apply general principles of the contract and industry custom, which is not well documented in this case.

The two parties maneuvered the copyright-thin passage of folk-derived material: where Adeeb could be safeguarded on the expressions of its particulars (dialogues such as *Balle o Balle*), archetypal qualities (vengeful Jatt hero) could be unguarded “scènes a faire” (standard features) of Punjabi folk stories (Netanel 2018).

3.1. Bhatti's Position (Cinematographic and Trademark Rights)

The cinematographic work of the film of 1979 was alleged to have been owned exclusively by Sarwar Bhatti (and later by Muttaqi Sarwar) under the original section 10 of the Copyright Ordinance, as characters, title and dialogues were all part of the film, fixed and inalienable. They also used trademark registrations of Maula Jatt to prevent such a branding/marketing. Section 13 of the Copyright Ordinance is also upon which they based their claim stating that they are the first owners of the cinematographic work. According to them, the characters of Maula Jatt and Noori Natt, certain dialogues, visual images and even the title of the film were indivisible elements of the film of 1979 as a unified work. To strengthen this stance, Bhatti registered a trademark under the Trademarks Ordinance, 2001 of Pakistan⁶ under the name Maula Jatt, asserting the title and the name of character as unique brand properties. This two-way copyright-trademark approach was also advanced legal positioning, though one that was built 10 years after the initial film was filmed.

3.2. Lashari/Hikmat/Adeeb's Defense (Literary Rights and Adaptation)

Nasir Adeeb and the reboot producers were guided by Section 14 of the Copyright Ordinance and the point was that the literary works (including scripts) are the property of the authors except where there is an express assignment in writing. They argued that Adeeb had only signed a one film commission contract in 1979 and not a full-time transfer of all the rights to adapt and make derivatives. Adeeb, being a writer of the underlying literature (script, story, dialogues) had rights which were not expressly delegated to Bhatti. These are under the license of Lashari/Hikmat by which Adeeb had licensed them, allowing a new derivative work. In 2017, by receiving an assignment by Adeeb, the reboot producers felt like they had the permission to make another version of the literary work underlining the film, and did not depend on whether the original movie was a copyrighted work or not. They alleged that Bhatti misrepresented it by presenting in 1978 partnership deeds that described Bahoo Films as a corporation (not sole proprietorship) and by disputing his copyright/trademark certificates.

4. Legal Proceedings (2017–2020)

IPO Tribunal Proceedings (2017-2018)

The case was initially heard by the special IP Tribunal that was established by the Intellectual Property Organization Act, 2012, of Pakistan.⁷ In 2017, Sarwar Bhatti obtained preliminary *ex parte* stay orders, alleging that the reboot was an unauthorized sequel that would have an irreparable detrimental impact on his rights. Nonetheless, in a major decision in 2018, the IPO Tribunal overturned these stays. The tribunal held that literary rights retained by Nasir Adeeb allowed the preparation of new works of derivative under the principle of fundamental copyright that separates unprotected ideas and the expression that is subjected to the protection of the copyrights belonging to Bhatti (Anonymous 2018).

⁴ <https://www.fia.gov.pk/files/act/27.pdf>

⁵ <https://www.law.cornell.edu/uscode/text/17/101>

⁶ <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-cp%2BUY2Fqx-sg-iiiiiiiiiiii>

⁷ <https://ipo.gov.pk/system/files/IPO-Act-2012.pdf>

Lahore High Court Interventions (2019)

Along with the IPO proceedings, the Lahore High Court (LHC) took part. Months later, in March 2019, the LHC issued a stop-order on title/character use on a temporary basis but especially stated that title/character use could be authorized under IP law. This subtle decision was indicative of judicial awareness of competing interests: on the one hand, the need to protect the current copyrights; on the other, not to hinder creative resurgence and culture creation. This is consistent with the practice of the court in line with the public interest considerations that are gaining greater prominence in the copyright jurisprudence, the world over (Anonymous 2019b, Jaber 2022).

Sindh High Court and the Ownership Twist (2019)

It became particularly dramatic when the heirs of Chaudhry Muhammad Jamil, who was once a business partner of Bahoo Films (Bhatti) approached the Sindh High Court (SHC) to take part in the proceedings. They also had partnership deeds as early as 1978 which showed that Bhatti was not the sole owner of Bahoo Films but a part of a partnership. This fact was a direct contradiction to the claims that Bhatti made to the IPO Tribunal and courts about his exclusive right to ownership (Anonymous 2019a). In May 2019, the SHC granted a stay order against Bhatti barring the latter to assert any ownership of the exclusive copyright until the dispute between the partnership had been settled (Sheikh 2020). This intervention severely weakened Bhatti in legal terms and added another question mark of difficulty: although producer rights may have been in any event better than author rights, which of them were the original producers were they? In the counter-suit brought by Hikmat against Bhatti, Sindh High Court ordered that he should not make defamatory statements.

The legal department of the reboot producers, headed by the firm Ahmed & Qazi, overcame what they said were dozens of nation-wide civil, criminal and IP court cases in Lahore and Karachi (Ahmed and Qazi, 2024). This defense measure was not just an act of reacting to the statements made by Bhatti but also a series of countersuits, including a libel suit, which forced SHC to order Bhatti to stop openly leveling accusations at the reboot producers (Bilal 2019a,b). Such a multi-forum defense was aggressive and made the stakes involved high and the producers wanted to clear the release of the film.

Out of court Settlement and Domestic Resolution

The details of the cancellation are not disclosed, but the family announced publicly that they did it in the greater good of the film industry and left the reboot to continue without asserting their rights over the 1979 original (Saryem 2017, Bilal 2020). This realistic solution precluded a judicial declaration on producer-versus-author privilege of derivative works. In terms of legal precedent, the settlement was an opportunity cost to the clarification of the copyright law in Pakistan in terms of adaptations. But on the commercial and cultural level it helped release a landmark film that would continue to transform the Pakistani cinema. The deal that was made in February of 2020 permitted the release without violating the original rights of Bhatti. It was released in October 2022 and has become a massive success despite international ban that have no connection (Anonymous 2020).

Unresolved Legal Questions

Basic areas of law remained unresolved as the settlement and dismissal went on. According to the Pakistani law, in what situations, and if at all, are film characters independent of their respective films? What is the legal position of inter-religion between the cinematographic rights of producers and the literary rights of the author in terms of adaptations? So what is considered adequate originality when adapting a folkloric work to a point that is eligible to receive a copyright? What do courts in current times need to put into consideration when determining oral agreements and industry practices of older days in handling modern IP cases? These questions without answers lead to a persistent doubt that legislation can clarify or answers can be provided by the courts in future case resolutions. The Maula Jatt controversy can be viewed as an example of what researchers refer to as legal hybridity in the post-colonial environment: the mixture of imported Western legal regulations (the copyright law of British origin) and the local culture of informal production (Lollywood). The perceived challenges by this hybridity are the demand of international IP standards in the globalized production of the media products so that it meets the standard without contradicting local norms and practices. According to the review of the Maula Jatt dispute, a number of reforms might be used to prevent incidents of the same. Copyright Ordinance needs to contain clear statements on works produced in employment or commission terms, the rights of authors versus the demands of the industry. The process and the timing on which film characters should be separately protectable should be defined by statutory rule and based on the comparative approaches used in other jurisdictions. An alternative sui generis system that balances the communal interests and incentive to adapt traditional cultural expressions should be created.

5. Conclusions

The Maula Jatt controversy sums up the tension between cultural identity, autonomy of the creative process, and individual rights to IPs in post-colonial filming. Although settlement led to revival, the pending issues indicate the importance of IP reform to facilitate global aspirations of Lollywood. Written assignment agreements defining the extent of transfers of rights, especially in future adaptations and sequels, are more commonly used by producers and writers. The re-investments in production companies in reboots, or adaptations is now performed with a more comprehensive chain-of-title investigation in which it is understood that the rights assigned by one claimant (e.g., the writer) might not be sufficient in the face of other claimants (e.g., producers, heirs) to the rights. The visibility of the dispute has made people aware of the problem of IP in the industry, both among the producers and the financiers and the creative talent. The necessity of broader legal reporting and due diligence has raised the cost of production and this may not favor the small producers. The Maula Jatt IP case shows various asymmetries: between local informal practices and global formal practices, between communal cultural heritage and individual property rights, between the national law and the transnational implementation policies. It underscores the imperative to have legal changes, industry campaigns, and international collaboration systems to balance numerous authoritative interests: to enforce intellectual property, to maintain cultures, to support creative adaptation, to create a healthy and long-lasting film sector.

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