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Sale of Rights ♦

In modern time's concept of several rights have come in vogue, such as patent rights, copyrights, etc. For ascertaining the Islamic position regarding these rights the Islamic Fiqh Academy included the theme in its Seventh Seminar, which concluded as follows.

- 5.1 Commodity is central to all sale transactions.
- 5.2 As to what constitutes commodity, has not been specified by the Shariah, it will have to be determined in accordance with contemporary practices, provided that they do not have any conflict with the Shariah.
- 5.3 It is not Islamically permissible to obtain consideration for those rights which are not rights in *personem* but are meant to save the person claiming the right from some harm, e.g. the right of preemption.
- 5.4 It is permissible to obtain consideration for such rights as have been so classified by the Islamic Shariah and have come to have their value in terms of money and obtaining which is part of prevalent practices, and further that they are, in their nature, not meant to save the person from some harm and are otherwise not in conflict with the general objectives and principles of Shariah.
- 5.5 For determining the nature of right, which, according to the contemporary connotation are, subject to the conditions stated above, fit to be sold and purchased for consideration, reference should be made to authentic theological institutions and scholars for their verdict.

♦ 7th Fiqhi Seminar (Bharuch – Gujarat) Dec 30, 1994 – Jan 2 1995.