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Copyright Law in India

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ABSTRACT

Copyright is a branch of intellectual Property Rights and an exclusive legal right given by the judiciary to the creator on his creation. In simple terms, copyright is the right to copy. This means that the original creators of products and anyone they give authorization to are the only ones with the exclusive right to reproduce the work. As a creator (he/she/group) has rights to enjoy financial and other benefits associated as per the law over the creation. Copyright refers to a bundle of exclusive rights vested in the owner of copyright by virtue of Section 14 of the Act. These rights can be exercised only by the owner of copyright or by any other person who is duly licensed in this regard by the owner of copyright. These rights include the right of adaptation, right of reproduction, right of publication, right to make translations, communication to public etc.

KEYWORDS

Copyright Law, Indian Law Of copyright, Intellectual Property

INTRODUCTION

Copyright is a form of intellectual property protection granted under Indian law to the creators of original works of authorship such as literary works (including computer programs, tables and compilations including computer databases which may be expressed in words, codes, schemes or in any other form, including a machine readable medium), dramatic, musical and artistic works, cinematographic films and sound recordings. The term "copyright" is not defined under the Indian Copyright Act, 1957 (hereinafter referred to as "Copyright Act"). The general connotation of the term copyright refers to the "right to copy" which is available only to the author or the creator, as the case may be. Thus, any other person who copies the original work would be amount to infringement under the Copyright Act.

PURPOSE

For the Understanding Copyright Law in India and identify Do's and Don'ts with regard to Indian Copyright law.

METHODOLOGY

For this Study Survey method has been collected secondary data from old research work and from the internet

FINDINGS

Indian Copyright laws are very strict and day by day Indian government try to making harder rules.as I part of Filming Industry, I know how much Copyright rules are strict. As I research about copyright law I saw that there are many lack in copyright laws but Indian government work on that.

OBJECTIVE

To know the copyright law in India. By changing time by time the copyright law are become a strict. For the understanding the knowledge of law. The protecting, recognizing and encouraging the skill and capital of author is the object of a copyright. In industry or social media there is many Copyright issue by the author of continent. By choosing this subject I want to aware about the law in India. If we are relate to the industry then we have the knowledge about the law and how many types of copyright generate by copy someone data. By the selecting this topic I want to clear about the deference of Copyright, Patent, trademark etc...

BACKGROUND

I am a part of the Videography and photography Industry. From the College I get opportunity to gain knowledge in my section as well as study so I take the topic 'Copyright law in India'.

What is Copyright Law?

Copyright is an exclusive legal right given to the creator or a group of individuals to protect their work or creativity from reproduction, adaption, translation, distribution and public performance by others without prior permission from the creator/person responsible for the existence of the work. The purpose of the copyright is to secure and reward the general benefits i.e. Labor of authors on the produced work. It encourages the authors to produce and proceed with more works on continual basis. To get protection from the copyright law the work should possess as Following.

- The work must be an original one (Original means, the work has been created from inspiration and not copied from any other existing sources. The work must have been created for the first time.
- It must be fixed in any tangible form.

The presentation of the work must be in the expressible and physical form and should be capable of being identified in a fixed form/identified in its existence or tangible form such as paper, recordings on optical media, paintings, documents, webservers.

- Must be First publication.

An original work, should not be published before.

- Work published after the death of author, at the time of death author must own the citizenship in India.
- In case, work published out of India, at that time author must be citizen of India.

Indian perspective on copyright protection:

The Copyright Act, 1957 provides copyright protection in India. It confers copyright protection in the following two forms:

- (1) Economic rights of the author.
- (2) Moral Rights of the author.

(1) Economic Rights of the author :

The copyright subsists in original literary, dramatic, musical and artistic works; cinematographs films and sound recordings. The authors of copyright in the aforesaid works enjoy economic rights u/s 14 of the Act. The rights are mainly, in respect of literary, dramatic and musical, other than computer program, to reproduce the work in any material form including the storing of it in any medium by electronic means, to issue copies of the work to the public, to perform the work in public or communicating it to the public, to make any cinematograph film or sound recording in respect of the work, and to make any translation or adaptation of the work. In the case of computer program, the author enjoys in addition to the aforesaid rights, the right to sell or give on hire, or offer for sale or hire any copy of the computer program regardless whether such copy has been sold or given on hire on earlier occasions.

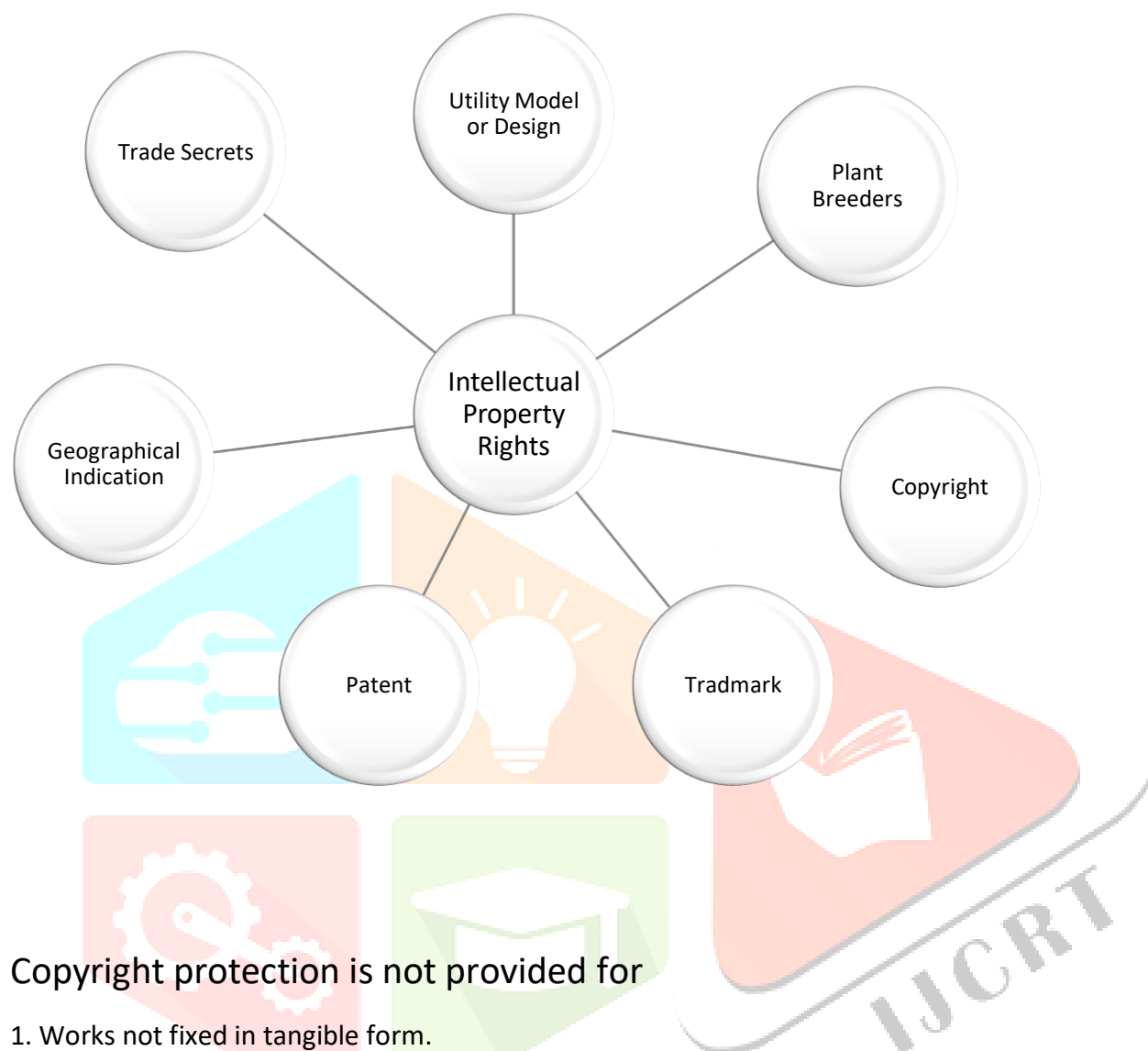
(2) Moral Rights:

Section 57 of the Act defines the two basic 'moral rights of an author. These are:

- Right of paternity.
- Right of integrity.

The proviso to section 57(1) provides that the author shall not have any right to restrain or claim damages in respect of any adaptation of a computer program to which section 52 (1)(aa) applies (i.e. reverse engineering of the same).

Intellectual Property has been categorized in to many branches



Copyright protection is not provided for

1. Works not fixed in tangible form.
2. Titles, names, short phrases, slogans, methods, factual information, symbols or designs however trademark law may provide some protections to these works.
3. Ideas or concepts, procedures, process, plans, principles, discoveries, and guidelines however in such cases patent or trade secret law may provide protections to these works.
4. Works that are already in public domain and original authorship is not traceable are not covered under copyright law.
5. Copyright works that are already expired.

Rights of Author/creator

Copyright is a bundle of rights given to the author by the judiciary. As per the Indian Copyright act Section 14 of chapter III and 57 of chapter XI, author has been conferred with some exclusive and special rights; these rights can be divided into 3 categories and as follows.

1. Statutory Rights or Negative rights.

Copyright law provides an exclusive legal or statutory right to the original author on his creation of work. It imposes a 'negative duty' on others that prohibits from using or getting benefit from the work without the consent of the author.

2. Economic Rights.

The economic right provides author to enjoy the financial benefits. The creator can earn royalty by assigning rights to others either fully or partially. As per the international conventions, generally every national copyright statute provides following exclusive rights to the copyright holder.

- Adaption rights
- Distribution rights
- Public performance rights
- Public display of works rights
- Rental rights
- Reproduction rights
- Translation rights

3. Moral Rights.

Copyright law always protects the creator even after the assignment of copyright work to others either fully or partially. Moral rights grant an author the right to have his name kept on the work forever and protects from any distortion or modification of the work, or other offensive action in relation to the work, which would be damaging to the author's reputation.

Term of Copyright protection.

Normally current copyright doesn't require any kind of registration for its protection. Once the work created in tangible form, an author automatically gets the copyright on his creation. The term of the copyright protection on different works has described in section 22-29 of chapter V of Indian copyright act. The term of the copyright protection is as mentioned below.

1. The copyright term in respect to published literary, dramatic, musical and artistic works is lifetime of the author plus 60 years from the death of the author. In case of multiple authors the term is 60 years from the death of last author.
2. In case of anonymous and pseudonymous works, the copyright term is 60 years from the date publication.
3. Copyright protection for photographs, cinematograph films, and sound recordings is 60 years from the date of publication.

Infringement of Copyright.

Violation of a copyright law by any person without a license or permission by the owner of the creation is called as infringement of copyright. Copyright law provides exclusive legal rights to an author to get all kind of benefits on his creation.

As per the section 51 of chapter XI of Indian copyright act, using any copyrighted work without the permission of a copyright owner is an infringement of copyright law and the following instances could be considered as infringement of copyright. Any person who does the infringement of a copyright is solely held responsible for his misconduct.

1. Performing publicly without any consent of the owner
2. Using copyrighted work for any kind of business which brings financial benefit
3. Distributing for the purpose of trade or import
4. Reproduction of substantial part of copyrighted work in any material form
5. Circulating among the unauthorized persons
6. Adoption or translation of copyright work without any permission
7. Resale or renting of copyrighted material to others

CONCLUSION

The provisions of the abovementioned two enactments show that the Copyright protection in India is strong and effective enough to take care of the Copyright of the concerned person. The protection extends not only to the Copyright as understood in the traditional sense but also in its modern aspect. As we See Copyright law In India. In many sector copyright work to save your work in different name like copy right, patent etc..... In future Indian government will upgrade the parameter of copyright law for stop crime by copyright in media and business. In India Copyright law are very strict. Thus, on-line copyright issues are also adequately protected, though not in clear and express term. To meet the ever- increasing challenges, as posed by the changed circumstances and latest technology, the existing law can be so interpreted that all facets of copyright are adequately covered. This can be achieved by applying the purposive interpretation technique, which requires the existing law to be interpreted in such a manner as justice is done in the fact and circumstances of the case.

REFERENCES

<https://copyright.gov.in/documents/handbook.html>

<http://lawstreamed.blogspot.com/2011/10/intellectual-property-rights.html>

<http://www.legalserviceindia.com/article/l195-Copyright-Law-in-India.html>

http://www.saprlaw.com/taxblog/copyright_final.pdf

<http://studymaterial.unipune.ac.in:8080/jspui/bitstream/123456789/5179/1/HISTORY%20%26%20FEATUR%20OF%20COPYRIGHT%20LAW%20IN%20INDIA.pdf>

<https://www.investopedia.com/terms/c/copyright.asp>