



PROTECTION OF MULTIMEDIA UNDER COPYRIGHT REGIME

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ABSTRACT

- Multimedia is an umbrella of things available like music, visuals, videos, graphics etc., in simple terms, it is a system consisting of large amount of information.
- Due to such rapid growth of internet, it is important to protect multimedia from being fabricated, duplicated and misused, this protection is facilitated by copyright laws. Copyright is collection of various rights granted by the law to authors, creators or inventors.
- How multimedia works and copyright laws go hand in hand, will be thoroughly discussed in this paper.
- The paper focuses on how important it is to protect multimedia present in the digital world. It also elucidates what copyright laws are applicable on such content.

Keywords: Content, Copyright, Digital, Law, Multimedia, Protection

INTRODUCTION

In today's world internet is cluttered with digital material, the abundance of digital space makes it difficult to trace the source of the content and the final destination. This means it is important to at least know the creator of such content and then make him/her aware of the way their content is being used. Copyright helps in such scenario. Copyright is an exclusive right of ownership granted to the creator for a specified time. Copyright is used to protect the original work created and prevents from unauthorised duplication.

Now let's elaborate the word 'content' mentioned above, content can be anything speeches, music, videos, photography and when all of the above are present in digital space or in computerised form it is known as MULTIMEDIA. Multimedia is an umbrella of things which have huge amount of information. Multimedia basically refers to the use of multiple forms of media such as text, audio, images, video, and animation to convey information or a message. It combines various media elements to create an interactive and engaging user experience. Multimedia can be used in a wide range of applications, including education, entertainment, advertising, and communication. Some common examples of multimedia include:

- Websites with video, audio, and images
- Interactive presentations with animations and graphics
- Educational software that uses text, images, and videos
- Video games with sound effects and music
- Social media platforms that allow users to share photos and videos.

Multimedia is an important part of modern communication and has become increasingly prevalent with the widespread availability of digital technology. This makes it prone to misuse and here copyright law comes in. It ensures that the copy or duplication of work is authorised only, by such provision author/creator is made aware about who is using their work. The correct usage of work reduces misuse and the true value that creator has added is also preserved. Now let's understand in brief what copyright means and its legal elements.

Historical background of copyright in India.

The history of copyright in India can be traced back to the British colonial period. The British first introduced the concept of copyright to India through the Indian Copyright Act of 1847, which was amended by the British Copyright Act of 1842.¹

The 1847 Act provided copyright protection to books, maps, charts, musical compositions, and dramatic works for a period of 42 years from the date of publication. However, the Act did not cover other types of creative works, such as paintings, sculptures, photographs, and films. The Indian Copyright Act of 1914 repealed the 1847 Act and provided broader protection to creative works. It extended copyright protection to works of art, including paintings, photographs, and sculptures, as well as to dramatic works, music, and films. After India gained independence in 1947, the Indian government reviewed and revised the copyright laws. The Copyright Act of 1957 was enacted to replace the 1914 Act and brought Indian copyright law in line with international copyright conventions. The Act extended copyright protection to literary, dramatic, musical, and artistic works, cinematograph films, and sound recordings. Since then, the Indian government has made several amendments to the Copyright Act to keep it up-to-date with technological advancements and changing market realities. The most recent amendment was made in 2012 to address the challenges posed by digital piracy and to provide additional protection to copyright owners.

In short, the concept of copyright in India has a long history, dating back to the British colonial period. Over time, the Indian government has taken steps to strengthen and modernize the copyright laws to provide better protection to creators of creative works.

Copyright is a legal concept that gives the creators of original works exclusive rights to control how their works are used and distributed. This means that the creators have the sole right to copy, distribute, perform, display, and create derivative works from their original work. Copyright protects various types of creative works, including literature, music, art, photographs, software, and audio-visual content. It is designed to encourage creativity by allowing creators to benefit financially from their works and to prevent others from profiting from their creations without permission. Copyright is automatic, meaning that as soon as a work is created and fixed in a tangible medium (such as written down, recorded, or saved to a computer), the creator owns the copyright to that work. However, creators can also register their copyrights with their national copyright office, which provides additional legal protections and benefits which will be discussed later in the paper. The goal of copyright legislation is to encourage authors, musicians, painters, and other creatives to come up with fresh ideas and to produce unique works without worrying about having their work or ideas exploited. By granting financial rewards to creativity, copyright rules promote the creation of creative works. Currently, a wide range of sectors are covered by copyright, including the information, entertainment, and industrial design sectors.

¹ <https://www.legalserviceindia.com/legal/article-3029-introduction-to-copyright-act.html>

Copyright, trademark & Patents

Patents, copyrights, and trademarks are all forms of intellectual property protection, but they protect different types of creations.

Patents protect inventions and discoveries, such as processes, machines, and designs. A patent gives the inventor the right to prevent others from making, using, or selling the invention for a limited period, usually 20 years from the date of filing the patent application.

Copyrights protect original works of authorship, such as books, music, movies, and software. A copyright gives the owner the exclusive right to reproduce, distribute, perform, and display the work, as well as create derivative works based on the original, for a limited period of time, typically the life of the author plus 70 years.

Trademarks protect words, phrases, symbols, or designs used to identify and distinguish the source of goods or services. A trademark gives the owner the exclusive right to use the mark in connection with the goods or services, and to prevent others from using a confusingly similar mark in the same or related field of business. In summary, patents protect inventions, copyrights protect original works of authorship, and trademarks protect brands and logos used in commerce.²

Legal provisions of Copyright

In India, copyright is protected under the Copyright Act, 1957, which provides for the legal framework to protect the rights of authors, composers, artists, and other creators of literary, dramatic, musical, and artistic works.

Some of the key provisions of the Copyright Act in India are:

1. **Works eligible for copyright protection:** The Copyright Act provides protection to original literary, dramatic, musical, and artistic works, including films, sound recordings, and computer programs.
2. **Ownership of copyright:** The author of a work is the first owner of the copyright. However, in case of works made in the course of employment, the employer is the first owner of the copyright, unless there is a contract to the contrary.
3. **Duration of copyright:** The duration of copyright protection varies depending on the type of work. For literary, dramatic, musical, and artistic works, copyright protection lasts for the lifetime of the author plus 60 years from the year of his/her death. In case of cinematograph films, sound recordings, photographs, and government work, the protection lasts for 60 years from the year of publication.
4. **Exclusive rights of the copyright owner:** The owner of the copyright has the exclusive right to reproduce, distribute, and communicate the work to the public, and to make adaptations or translations of the work.
5. **Fair use:** The Copyright Act provides for certain exceptions to the exclusive rights of the copyright owner, including fair use for research, criticism, review, and news reporting.
6. **Infringement of copyright:** Infringement of copyright occurs when someone without the consent of the copyright owner does any act that is exclusive to the copyright owner. The remedies available to the copyright owner in case of infringement include injunctions, damages, and account of profits.
7. **Copyright registration:** Although registration of copyright is not mandatory in India, it is advisable to register copyright to establish the ownership of the work and to use the registration as evidence in court in case of infringement.

These are some of the key provisions of copyright in India. It is important for creators and users of copyrighted works to understand these provisions and comply with them to avoid legal disputes.³

² <https://www.investopedia.com/articles/investing/111014/patents-trademarks-and-copyrights-basics.asp>

³ <https://www.legalserviceindia.com/legal/article-3029-introduction-to-copyright-act.html>

MULTIMEDIA AND COPYRIGHT

Multimedia and its types

Multimedia is integration of all the available media – images, text, music, videography etc. the different types are based on its format, creation and mechanism. Accordingly, types of multimedia are as follows.

1. Text based media - This type of multimedia primarily uses text as the main form of content. Examples include e-books, online articles, and digital documents.
2. Image-Based Multimedia: This type of multimedia uses images as the primary form of content. Examples include digital art, photographs, and infographics.
3. Video-Based Multimedia: This type of multimedia uses video as the main form of content. Examples include movies, television shows, and online videos.
4. Augmented Reality (AR) Multimedia: This type of multimedia overlays digital content onto the real world. Examples include AR games, interactive advertising, and educational apps
5. Animation-Based Multimedia: This type of multimedia primarily uses animation as the main form of content. Examples include animated movies, cartoons, and video games.

There is more to it but few of them are mentioned above. Multimedia covers every digital material that is created in this space. ⁴

Relation between multimedia and copyright.

Multimedia and copyright are closely related because multimedia often involves the use of copyrighted materials such as music, images, videos, and text. Copyright law grants the owner of a copyrighted work exclusive rights to control how their work is used, reproduced, and distributed. Therefore, when creating multimedia content, it is important to ensure that the creators have the necessary rights to use the materials that may be used by different people. When a creator produces a multimedia work, they own the copyright in that work. The creator has the exclusive right to reproduce, distribute, display, and perform the work, as well as to create derivative works based on the original. Copyright protection also applies to the individual components that make up the multimedia work, such as music, images, video, and text. If someone uses a copyrighted multimedia work without permission, they could be infringing on the copyright owner's rights. Copyright owners have the right to take legal action against infringers and seek damages for any harm they have suffered as a result of the infringement.

Protection provided by copyright laws.

To protect their multimedia works, creators can register their works with the copyright office in their country. This registration provides additional legal protection and makes it easier for the copyright owner to enforce their rights in court. In summary, copyright protects multimedia works by giving the creators of those works exclusive rights over their use, distribution, and reproduction. This protection helps to ensure that creators are fairly compensated for their work and helps to encourage the creation of new and innovative multimedia works. In addition, creators can use various digital rights management (DRM) tools to protect their works from unauthorized use or distribution. These tools can prevent copying or distribution of multimedia works without permission, and can also limit the ability to modify or manipulate the content. Overall, copyright protection for multimedia works is an important consideration for creators who wish to maintain control over their intellectual property and prevent unauthorized use or distribution.

Individual components of multimedia works, such as music, videos, and images, can be protected by copyright law separately from the overall multimedia work. For example, a piece of music used in a video may be protected by its own copyright, as well as the copyright of the video as a whole. Similarly, an image used in a presentation may be protected by its own copyright, as well as the copyright of the entire presentation. In some cases, the copyright owner of an individual component of a multimedia work may grant permission for its use in a larger work, such as a video or presentation, while retaining their own rights to the individual

⁴ <http://sahet.net/htm/swdev8.html>

component. It is important to obtain proper permissions and licenses for any copyrighted material used in multimedia works, whether it is an individual component or the work as a whole. Failure to do so can result in legal liability for copyright infringement.

Copyright infringement in multimedia works.

The use or creation of copyright-protected work without the owner's consent is known as copyright infringement. Copyright infringement occurs when a third party violates the rights granted to the copyright holder, such as the exclusive use of a work for a predetermined amount of time. Two of the most well-known entertainment mediums that experience a lot of copyright violations are music and movies. Contingent liabilities—amounts set aside in case of a potential lawsuit—can result from infringement cases. Few examples of copyright infringement are - Using copyrighted software in a multimedia project without purchasing a license, incorporating copyrighted music into a multimedia project without permissions from the copyright owner etc. Among many reasons of infringement of copyright few of them are:

- Easy access of internet makes it easy to copy multimedia from the digital space.
- All the creators don't have the knowledge of copyright laws
- Advancements in digital imaging its now simpler than ever to reproduce a picture.

Copyright violations can have major repercussions on the legal and financial front –

1. Legal action: The owner of the copyright can take legal action against the infringer. This could lead to a civil lawsuit, criminal charges, or both.
2. Damages: If the copyright owner prevails in a lawsuit, they may be entitled to damages, which could include the infringer's profits or the copyright owner's lost profits.
3. Injunction: The copyright owner may be able to obtain an injunction to prevent the infringer from continuing to use the copyrighted work without permission.
4. Statutory damages: Under some copyright laws, the copyright owner may be able to claim statutory damages, which can be significant even if the owner cannot prove actual damages.

The Role of Technology in Protecting Multimedia under Copyright Regime.

Technology plays a significant role in protecting multimedia under the copyright regime. Here are some of the ways technology helps in protecting multimedia under copyright:

1. Digital Rights Management (DRM): DRM technologies are used to protect multimedia content by limiting access to the content and preventing unauthorized copying or distribution. DRM uses encryption and other techniques to protect digital content and prevent unauthorized access and distribution.
2. Watermarking: Watermarking is a technique that embeds a unique identifier into multimedia content to track its distribution and prevent unauthorized use. Watermarks can be visible or invisible and can contain information about the copyright owner, the date of creation, and other metadata.
3. Content Recognition Technologies: Content recognition technologies are used to identify copyrighted content on the internet and prevent unauthorized distribution. These technologies use algorithms to compare the content with a database of copyrighted works and detect any unauthorized use.
4. Takedown Notices: Copyright owners can use takedown notices to request the removal of infringing content from the internet. Takedown notices are sent to internet service providers (ISPs) and hosting companies requesting the removal of infringing content.
5. Legal Tools: Technology also provides legal tools that can be used to enforce copyright laws. For example, courts can use forensic analysis tools to identify infringing content and calculate damages.

CASE STUDIES ON PROTECTION OF MULTIMEDIA

- Disney's protection of multimedia

Disney is known for being very protective of its multimedia works, especially its intellectual property such as characters, stories, and brands. Disney has implemented various measures to protect its works, including copyright and trademark laws, as well as technological measures such as digital rights management (DRM) and encryption. Disney protects their multimedia works through copyright law. Copyright law protects their original works of authorship, movies, music, and software, by giving them exclusive rights to control how their work is used and distributed. Disney owns the copyright to many popular movies, TV shows, and characters, and they use this legal protection to prevent others from using their works without permission. In other words, Disney takes the protection of their multimedia works very seriously and employs a variety of legal and technological measures to prevent infringement and protect their intellectual property rights.

- Youtube's approach for protection of multimedia

YouTube has taken a number of steps to safeguard the rights of copyright owners and takes copyright protection extremely seriously. Following are some of YouTube's copyright protection strategies:

- Content ID: In order to recognise and regulate copyrighted content on its network, YouTube has created a system called Content ID. Copyright holders may identify their work on YouTube using this approach, and they can specify how they want it to be utilised there.
- Copyright strikes: Channels who consistently post illegal content on YouTube are subject to a system of copyright strikes. A channel may be shut down by YouTube if it gets three copyright strikes in a certain time frame.
- Copyright education: YouTube provides education and resources to creators and users about copyright laws and how to avoid infringing on others' rights. This includes guidance on fair use, licensing, and other legal considerations.
- Monetization: YouTube has a monetization program that allows copyright owners to earn revenue from their content on the platform. This helps incentivize copyright owners to allow their content to remain on YouTube rather than being taken down.⁵

Therefore it can be said that these growing platforms are carefully addressing the issue of multimedia protection. They are implementing appropriate policies that safeguard the content and its creators. This not only gives security to the creator but also spreads message and education for copyright laws. The protection of multimedia from being used illicitly helps and encourages the creators as well as the user and copyright owners don't feel insecure for their creation.

CONCLUSION

Therefore from the above stated information, it can be concluded that the protection of multimedia is important to secure content present in digital space. This encourages creativity and the originality of the content is maintained which gives user more reliable information. Copyright laws and policies protect interest of creators and give them exclusive right of their creation which in turn help them economically also. Advancement in technological space has made it easier to duplicate and distribute multimedia content which has increased cases of copyright infringement. This make copyright laws even more relevant as they adapt to the new ways of infringement and address them.

Government and even private institutions have implemented several measures to control and protect duplicity of multimedia. These includes The copyright act,1957, DRM(Digital Rights Management) Systems, Content ID etc.

In general, the copyright regime's protection of multimedia works is essential for encouraging creativity and innovation and making sure that authors are adequately rewarded for their creations. In order to maintain their

⁵<https://support.google.com/youtube/policies/9245819?hl=en>

effectiveness in defending the rights of copyright owners in the digital era, copyright laws and methods must be continuously developed and improved as technology advances.

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