

## LAW OF INDIAN COPYRIGHT

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### ABSTRACT

*The manifestations of ideas, rather than the ideas themselves, are protected under copyright law. All original creative, musical, literary, dramatic, sound recording, and cinematograph works are granted copyright protection. The copyright protection of a work begins the minute it is produced, and registration is optional. However, obtaining a registration is recommended for maximum safety. Instead of granting any rights, copyright registration is simply a prima facie evidence of an entry in the Copyright Register kept by the Registrar of Copyrights in respect of the work. The word "copyright" (or "author's right") refers to the legal rights that artists hold over their literary and creative works. Books, music, paintings, sculpture, and films are all protected by copyright, as are computer programs, databases, advertising, maps, and technical drawings. Thousands of individuals register copyrights every month, indicating the caliber and quantity of creative brains in our community. However, just submitting a copyright application isn't enough. It is critical to protect the same from being readily violated and infringed upon by someone who is not the creator. This is why the copyright act has been written in such a way that changes are made on a frequent basis. The more accurate the law is, the safer the creative brains are. This article discusses some of the key aspects of India's copyright law.*

**KEYWORDS:** Author, artistic, copyright, law, work.

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### 1. INTRODUCTION

With the invention of the printing machine, which made it possible to duplicate literary works through a mechanical process, the history of copyright protection began to emerge. Johannes Gutenberg developed the printing press in 1440 in Germany. When Gutenberg's invention reached England in 1483, King Richard III, the monarch at the time, lifted the ban on the import of manuscripts and books. As a consequence, writers began sending their works to be printed in England. They had a royal license, and due to the proliferation of books, England quickly became the epicenter of printing across Europe. King Henry VII established a privilege system in 1529, making the printing business a monopoly of the crown. During this time, the Stationer's Guild was formed, which brought together all of the people who had previously been involved in writing manuscripts and making copies[1]. The stationer's guild became a corporation in 1516. The company's members had the exclusive right to reprint works in perpetuity in the name of other company members who had the sole right to publish the work. The books may be printed and published by the registered members.

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Under the guise of encouraging the growth and development of England's publishers and printers, King Henry banned the importation of books and stationery in 1533. The Stationer's Company received a royal charter in 1557 and was given the authority to regulate the book trade. Three factors necessitated the establishment of the business.

- Ensure the quality of the trade
- Minimize unethical behavior.
- Restriction of Competition

## 2. LITERATURE REVIEW

1. *LICENSING ACT OF 1662*: The licensing act of 1662 allowed the business to take legal action if its rights were infringed upon. A list of licensed books was kept, and some members were given the authority to look for and seize unauthorized publications. This was the first step towards combating piracy.
2. *ANNE'S STATUTE*: The Anne's Statute was enacted on April 10, 1710. The copyright world saw a paradigm change as a result of this legislation. It recognized the rights of writers of previously published works. This became regarded as the first copyright legislation in the world.

## 3. DISCUSSION

### *India's pre-independence copyright legislation*

The British colony of India established the Copyright Law of India, which, like most other legislation of the period, was a copy of English law. During the East India Company's reign, the first copyright legislation of India was established in 1847. The copyright period was either for the lifetime of the author plus 7 years or for 42 years, according to the legislation. If the owner of the copyright denied permission, the government had the authority to issue the publication license after the author's death. The highest local civil court has jurisdiction over all copyright lawsuits and infringements. The legislation was repealed in 1914, and the copyright act took its place. The legislation of 1914 was India's first copyright law. It was the first legislation to extend copyright protection to all works of art and literature. It was a carbon copy of the 1911 English legislation. The British did it to make it easier for literature to go throughout the colonial subcontinent[2].

### *India's Post-Independence Copyright Law*

On January 21, 1958, the Copyright Statute of 1957 took effect, superseding the 1911 act. Apart from revising the copyright legislation, the act also included landmark measures such as the establishment of a copyright office under the authority of the Registrar of Copyright for the registration of books and other works of art. It also created a copyright board to resolve copyright-related issues. According to Section 14 of the Copyright Act, 1957, a copyright is a bundle of exclusive rights vested in the copyright owner. These rights may only be exercised by the copyright owner or any other person who has been licensed in the same respect by the copyright owner according to law. These rights include the right to publish, the right to translate, the right to adapt, the right to reproduce, and so on. The author or creator of the work is the initial owner of the copyright, according to Section 17 of the Copyright Act of 1957[3].

One of the most significant benefits of copyright protection is that it is accessible in a number of nations across the globe, even if the work is initially published in India due to India's membership in the Berne Convention. In respect of all nations that are member states of treaties and agreements to which India is a member, works originally published in India are protected. Copyright protection is therefore accessible to works originally published in India, across multiple nations, without the need to apply for it officially. In addition, the Indian government has extended copyright protection to works originally published outside India by the International Copyright Order, 1999.

### *The Copyright Act's Highlights*

Section 18 of the copyright act is only concerned with royalties due to the author for the exploitation of his work by a third party. Cinematography, when the creator participates in creative, literary, and musical activity, makes extensive use of this term. When your customized clothes of a distinctive style is utilized by a third party for no consideration, it may lead to difficulties and dissatisfaction. The idea of copyright assignment is similar. It enables the owner to delegate the job to anybody for whatever long the duration is. The author may no longer avoid his "equal share of royalties" if his work is used by a cinematographer or producer in any manner other than communicating to the public in a movie theater, according to the modification of this Act. The screenplay writer, lyricist, and composer will all get an equal part of the theatrical exploitation royalties. There are exceptions to this rule, such as in the case of a copyright organization or a legal heir. Regardless matter how important this has been stated, there is considerable ambiguity in this clause about the "equal share of royalty." There is no indication of where the author and assignee will be taken. Its intended meaning is not clearly stated, which leads to misunderstanding and infringement. The plaintiff, ZEE Tele films Ltd., is a media and entertainment broadcasting company that has transferred its rights for a nine-year term. All problems sided with plaintiff, and the cause of action for bringing the lawsuit was observed. However, the appeal was rejected due to a limitation problem[4].

### *Assignment style*

The new provisions in the Mode of Assignment, section 19 of the Copyright Act (clauses 8, 9, 10) and copyright assignment complement each other for better treatment and compensation of the author's work. Assignment of a work to cinematography film or any other, whether or not it is a member of the copyright organization, has the right to an equal share of royalties. It's essential to remember that there's no need to fill out a form for an assignment; a letter with the author's signature will suffice. In terms of giving licenses, issuing licenses in violation of society or by the author has no bearing on royalty claims. This modification, however, does not have a significant impact on the License provision[5].

### *Copyright*

The copyright society clause has undergone a number of revisions to clarify numerous ambiguities and create more severe consequences for the society, author, and licensee. To begin, individuals who want to engage in the business of issuing licenses for works such as literary, musical, dramatic, and artistic works must first establish a society. Anyone wishing to do such business must file an application with the registrar, which is then submitted to the central government, which will approve it subject to specific conditions. It shall be ensured that in each

class of labor, just one society is carried out. A copyright society is typically registered for a duration of five years, with the option to renew before the first term expires. On the author's permission, the central government may suspend the copyright registration. There must be no discrimination in the treatment of any of the parties[6]. A tariff system must be imposed by the Copyright Society, from which any individual who is dissatisfied may appeal to an appellate board. This step may only be done when all dues to the copyright society have been paid. The appeal board will conduct an investigation, and if an unfair plan is discovered, the unreasonable aspect will be removed. The society's parties ask the author for administration powers to administrate by granting licenses, charging a licensing fee, or both. With authorization, the author also has the right to withdraw.

### *License*

The copyright (Act, 2012) received a number of favorable amendments in the licensing clause that supported the authority of the original creator of a work and his interest in it in terms of protection. Previously, obtaining the author's signature was required for granting a license; however, writing to acquire a license is now sufficient. The legal representative of the author will get the benefit of the license if the author dies before the work is completed. A person may seek for a license to publish or communicate to the public if the author is deceased or cannot be located. If a work is published within the period, the owner may file a complaint with the appellate board, claiming that the owner has refused to republish or transmit the work to the public. The copyright board has authority to issue broadcasting and sound recording licenses, according to Section 31 of the Act[6]. Anyone who want to create a cover version of a literary, theatrical, or musical work must do so with the owner's permission and license. Provided, however, that the sound recording shall not be sold in a container or with a labeled cover that would confuse the public as to its identification. It's critical that the individual who creates the cover doesn't change anything from the original agreement[7]. In relation to the supply, broadcasting of literary, musical, and sound recordings to the public is possible. The organization specifies the coverage length and regions. Royalty rates that are fixed should be stated. Mentioning the writers' names as well as the work's main performance. The original should not be altered in any way.

### *Disabled*

A person who works for the benefit of handicapped people may seek for a license to publish a copyrighted work for that person's benefit. It is also essential to make a follow-up enquiry after receiving an application to verify the applicant's qualifications and determine whether the application was submitted in good faith. The registrar of copyright would be able to issue a license to publish the work sought if it was done in good faith. The Copyright Act has evolved through time, and changes have been made. This is primarily to support and protect an author's production of a work. This has the right to be safeguarded from being exploited by a third party, resulting in him receiving credit and profit for work he did not create. There was a question in the Lok Sabha Parliamentary Question Hours about copyright violations and plagiarism, and if the government had set up a one-member investigation commission. The minister responded that, although there is no such committee, there is a Copyright Enforcement Consultative Council, which is a strictly advisory organization that reviews the success of copyright enforcement[8].

*Characteristic Copyright Act*

*1. Establishment of a statute*

The Copyright is granted by the statute. Other than that, there is no other common law right. There will be no copyright for any work that does not fall within section 16 of the Copyright Act.

*2. Several Rights*

Copyright is a collection of rights in a single work. In the case of literary works, it includes the right to modification and reproduction of the work, as well as the right to translation, the right to convert the work into a cinematographic version, and the right to serial publishing of the work. The author or artist also has a monopoly right under copyright. It also grants the right to protect his work from illegal replication or exploitation, as well as the right to prevent others from duplicating it[9].

*3. It exists only in the presentation of a concept.*

Only the original work is protected by copyright. The simple act of doing a job does not constitute copyright. For example, if a bright individual gets a book concept but does nothing to convey the idea, he cannot claim copyright for the idea alone since the idea must be represented.

*4. The art has to be unique.*

The work's originality is the most important criterion for claiming copyright. The work that is being considered for copyright must be that person's original creation. Original work is defined as work that has not been duplicated by another individual[8].

#### **4. CONCLUSION**

A country's socioeconomic growth is constantly dependent on its people's innovation and invention, and it is impossible to achieve without efficient administration and enforcement of copyright laws. The new route of global financial growth is one of creativity and innovation. Copyright is a significant problem when it comes to safeguarding intellectual property. Piracy literature has a large market nowadays, which has an impact on the author of the original copyright work. As a result, there is a pressing need to raise public understanding of the economic, social, and cultural significance of copyright in today's society. Today, society also demands that robust and effective Copyright laws be enacted and enforced, which balance the interests of rights holders with the broader public interest.

There are other essential aspects connected to library services nowadays, such as copyright education for all librarians in India in order to grasp the fundamental ideas and concepts of copyright laws in India, which is beneficial to the author for his work. Many individuals in India duplicate the author's original work for a variety of reasons, including a poor economic background, a lack of education, and so on. The unlawful act of copyright is increasing in this area as a result of the lack of penalty and incorrect application of the law. As a result, a thorough understanding and research of customer behavior is required in order to successfully address the issue. As a result, it is critical and timely to raise awareness about intellectual property rights for the growth of a nation, as well as to safeguard the rights of original author work.

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