

Copy Right Act: Developments & Issues in Indian Perspective

Muppidi. Srinivasa Rao
Government Degree College, Razole, INDIA

ABSTRACT – “Creative India and innovative India “is the slogan of Indian policy of Intellectual Property Right. Copy right is a provision to author given by the law of authority of his or her work such as literature, music, software programming, artistic works, sound recording and etc. Implementation of Information and communication technology into traditional libraries, many changes may occur in library services. such as housekeeping services, charging-discharging systems, circulation systems are automated in the libraries. 1994 amendment is responsible for communication broadcasting new technology computer applications into the communication. 1999 amendment responsible made the Copyright Act fully compatible with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. This paper supposed to give an importance Copyright All the librarians have to know the copyright laws which are enacted in national and international acts to proper maintenance of the library. To educate, the users is importance of Indian copyright act. To promote, copyright laws in Indian library system.

Keywords: Copyright, IPR, Philosophy, Ringtones, Unlawful streaming, Libraries, WIPO, Infringement

April 23 is observed as World Copyright Day

I. Introduction

Copy right act has been playing a major role in the world. Every day, importance of copy right act has increased to protect the all the original works which under the copyright law. The Implementation of ICT Applications in the traditional libraries, the traditional libraries have changed their activities to digital libraries, The Electronic libraries to digital libraries are changed to mobile libraries and virtual libraries. Intellectual property rights are covered in literature, Industrial innovations, and geographical indications, etc. Implementations of new ideas are protected by copyright acts and intellectual property rights. Every country should have its copyright act in the world. Every word and idea of the country must have come under copyright.

With the implementation of Information and communication technology into traditional libraries, many changes may occur in library services .such as housekeeping services, charging-discharging systems, circulation systems are automated in the libraries. If anybody is interested to digitalize the document or book they have to obey the laws of copyright, Intellectual Property Rights rules. There are two types of rights under the copyright act in any country that are 1.Moral rights it is combination of two broad subject that is Psychology and sociology. Another one is Economic right it supports to financial reward for the utilization of his creation.

II. Literature Review

- 1 Bouchoux, “Intellectual Property: The Law of Trademark, Copyright, patents and Trade secrets”, 4th ed. deals with the all the aspects of intellectual property rights in the copyright chapter Berne Convention, latest developments in copyright acts national and international level.
2. Naomi,korn.,Guide to Intellectual Property rights to other legal issues on web version1.0 , Naomi described that on his webverson1.0 8types of copyright protected works such as artistic works sound recording, music, maps, and so on. His version is very brief instruction to copyright act in the world.
3. Mukherjee Das, “India Releases National Intellectual Property Rights Policy” .Das presented in his paper on Indian National Policy on Intellectual Property Rights importance of national policy and its slogan and its vision very good description
4. Abhijit Sinha, Librarian, Digital Libraries and Intellectual Property rights stated that it has paper All the countries in the world should have a national polity on intellectual property rights . Every country should have laws on copyright and policies encouraging the digital preservation regarding copyright material

5.Sara,Mannheimer,Scot,W.H.Young,Doralyn,Rossmann, On Ethics of Social Network Research , He spell out his paper regarding importance of ethics and personal obedience to proper maintained the library, and importance of digital preservation according to copyright law. He welcomed conducting the research and importance of library services, equal evaluating the context and expectation on copyright.

III. Historic Perspective

The Government of India passed the International Copyright Order, in 1958. According to this order any work first published in any country which is a member of the Berne Convention or the Universal Copyright Convention will be accorded the same treatment as if it was first published in India.

Section 40A inserted by the Copyright (Amendment) Act, 1999 provides that subject to the satisfaction of Central Government that a foreign country (other than a country with which India has entered into a treaty or which is a party to a Convention relating to rights of broadcasting organisations and performers to which India is a party) has made or has undertaken to make such provisions, if any, as it appears to the Central Government expedient to require, for the protection in that foreign country, of the rights of broadcasting organizations and performers as is available under this Act, it may, by order, published in the Official Gazette, direct that the provisions of Chapter VIII shall apply:(a)to broadcasting organizations whose headquarters is positioned in a country to which the order relates or, the broadcast was transmitted from a transmitter positioned in a country too . Which the order relates as if the headquarters of similar organisations were positioned in India. Similar broadcast were made from India.(b) To Performance that took place outside India to which the order relates in like manner as if they took place in India. (c) To performance that are incorporated in a sound recording published in country to which the order relates as if it were published in India.(d). To Performance not fixed on a sound recording broadcast by a broadcasting organization the head quarters of which located in a country.

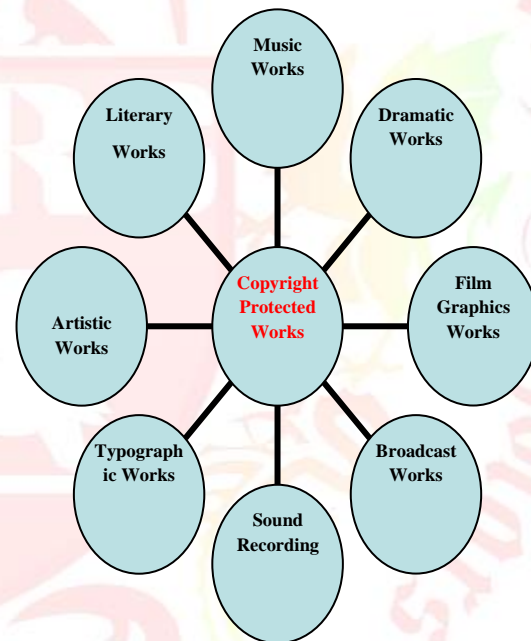
The copy right act of 1790 has been revised on four occasions in 1831, 1870; 1909and 1976.The Indian copyright act was enacted in 1957 which was amended in 1984, 1992,1994, and 1999. The origin of the Indian copyright act was enacted in 1847 under the East India Company by the British government.

A. Definition

The US copyright Office defined “A Set of exclusive rights awarded to a copyright holder or owner for an original and creative work of authorship fixed in the tangible medium of expression. A Limited Statutory monopoly gives a copyright holder the sole right to market a work for a limited period of time. Copyright also includes exemptions that permit a user of the copyright protected work the right to exercise an exclusive right without authorization or royalty payment under certain conditions.”

B. Moral rights of the author

These rights can be exercised even after the assignment of the copyright. They can be enforced by an action for breach of contract or confidence, a suit for defamation, or passing off, as the case may be.



There are 8 categories of works protected by the Copyright such as

Literary works Eg. E-mails, news paper articles

Dramatic works Eg, Drama plays, Stage shows

Musical works Eg. Song, Music scores,

Artistic works Eg. Painting, photographs

Films Eg. Videos, Cinematic performances

Sound recording Eg. Oral History of tapes, Record Lectures like NPTEL

Broadcasts work Eg. T.V and Radio Programs

Typographic works Eg. The Arrangement of Websites, Translations.

IV. Bern Convention:

Under the leadership of Victor Hugo, Berne Convention was originated in 1886 to defend fictitious, and more than 160 were members in Berne Convention. It is organized by WIPO. India had joined the Berne convention on 28th April 1928.

The WIPO present Director-General is Darren Tang (Singapore) from October 1, 2020.

WIPO was established on July 14th, 1967 in Stockholm, WIPO is a global organization, established for Intellectual property rights services, policy, and information cooperation among the member countries. WIPO is a self-funding agency of the United Nations with 189 member countries. India became a member of the World Intellectual Property Organization (WIPO) in 1975.

Under the article 2(viii) provides Intellectual Property Rights includes as following

Literary and scientific, artistic works

Scientific Discoveries

Commercial Names and Designations, Trademark

Industrial Designs

Inventions by human

Broadcasts

Protection against Unfair Competitions

2	UK	Copyright designs and patent act enacted in 1988, amended in 1992	Life of Author + 50 years	Software and, directed by the national copyright law etc.
3	USA	Copyright Act 1980	Life of author+50 years, 75 years of hire	Software Source Code, object code and database, right of reproduction, Protection for look, feel and protest.etc
4	Sri Lanka	Copyright Act, Part II, 2003	Author life time and 70 years after death	Computer programs, Books, oral works, teleplays, paintings and photo graphs etc
5	EU	Copyright duration directive 1993	70 years after death of the author	Reproduction, distribution, communication. etc.

Most copyright laws to encourage the authorized ownership has the right to publish book or article to gain money through the published work, at the same time it is very essential to protect published documents from the piracy.

A. WIPO Lex

WIPO LEX is a global database that is provided and access some national laws and acts or treaties are displayed open access. WIPO mission is to develop an effective intellectual property system. This enables innovation and creativity of all member countries

1. WIPO Committees

SCCR: Standing Committee on copyright and related rights .started in1998-99.

SCR: Standing committee on laws of patents .This was created in 1998.

ICC: Intergovernmental committee, The WIPO intergovernmental Committee on intellectual property and genetic resources traditional knowledge and folklore.

CDIP: Committee on development and intellectual property was established by general assembly in 2008.

CWS Committee on WIPO standards is collaborate with information form of discussion and renewing agreement on WIPO standards, it was created in 2009.

No	Country	Copyright Act & Amendments	Age Of Protection	Area Covered
1	India	Copyright enacted in 1957 , amended in 1984,1991,1994	Life of Author/60 Years	Computer Programs, literary works, Right of reproduction and distribution.

B. ACE

Advisory committee on enforcement .This committee established in 2002 by WIPO general assembly. Digital environments such as penalties for overcome the technical protection, liabilities of internet services.

C. Authorization of work:

Re produce the different format like printed publication and recording of audio material

Inventions of audio or musical work. The form of computer disks and DVD broadcasting by radio and satellite Adaptation such as Novel in to film screenplay

V. How Can I Register Copyright

According to the Berne Convention, copyright protection is acquired automatically without registration. A Voluntary registration system can help us to solve disputes over ownership.

Note: - WIPO does not offer the copyright registration system

VI. International Copyright laws

International copyright policy

The first multilateral agreement on copyright is the Berne Convention which was concluded in 1886 and was meant for providing protection to literary and artistic works.

The Berne Convention was revised seven times in 1896 (at Paris), 1908 (at Berlin), 1928 (at Rome), 1948 (at Brussels), 1967 (at Stockholm) and 1971 (at Paris) and finally in 1978. Among these, the 1971 revision (the Paris Act) is of particular importance to the developing countries as it provided special concessions to these countries in making translations and reproduction of foreign literary works for educational purposes.

Till then countries in the North America were not party to the Berne Convention and copyright protection in these countries were governed by various national and regional agreements.

In August, 1952 the Intergovernmental Copyright Conference was convened in Geneva which led to the adoption of another historical copyright convention, namely the Universal Copyright Convention (UCC).

The standards for specific IPRs such as copyright and related rights are discussed under articles 9-14.

A. United States of America

In the United States constitution, the Federal Government has the authority to protect the author's original work under article 1 clause 8. According to USA copyright law 17 USA section, 102 clauses A "Copyright protection subsists in concurrence with the title in unique work of an author in any concealable medium of expression"

B. Canadian Copyright law:

Canada has set up a convention to the Berne Convention for the protection of literary and artistic works had signed at present not yet ratified in the world intellectual property organization (WIPO) copyright treaty of 1996. The USA and European Union were ratified with the WIPO. The Canadian Copyright modernization act bill C-32, the legalization nominates on 2nd June 2010. It was a big fail for 2nd time in Canadian Copyright law history. The Canadian law was helped to specify the address and to solve the legal issues that conformed to Canadian electronic content providers and users.

C. European Copyright law:

European countries were first tried to coordinate intellectual property protection via Berne Convention for the protection of literary and artistic works. it is officially announced via directives (Legislative acts of the European Union). Some of European Union members to achieve some results without the instruction of its member's state exactly how to reach goals, Some European Union countries have legal systems. Depending upon common law and the other vigil law one-size-fits-all approach will not work for its member states.

D. The Uruguay Round agreement acts:

Bill Clinton had signed in the Uruguay round agreement act (URAA) in the month of December 1994. URAA Act was implemented on general agreement on tariffs and trade and it leads to establishing the WTO. Safeguarding the minimum standards of copyrights, patents, trademarks, and trade secrets the approval of TRIPS and WTO members is highly needed. Copyright laws were amended in different ways by URAA .to control Live Music Concerts and music videos of bootlegging. US copyright law generally protected live performances. Universal Copyright Convention

The united states of America were joined in the universal copyright convention (UCC) in 1955. USA was a member of the Berne convention before the joining of UCC. The prescribed form of copyright notices was provided by the UCC. The UCC prepared some rigid rules and regulations for the member countries. UCC members should not be able to withdraw from their membership and not depend upon the UCC.

VII. Recent Developments in Copyright Law

A. Beijing Treaty on Video and Audio Performances.

This treaty is adopted on 2th June 2012. It comes under the force is on 28th April 2020. This treaty protects with copyright of audio-visual performances.

Broadcast reproduction act: 1994 Act had given a special right to the broadcaster also known as right for broadcast reproduction.

Performers protection: It is amended act of 1994 in 1999 also known as performers protection act. It discloses if any actor or actress performed in any program that broadcasted he or she has right in relation such program

B. Fashion protection

Clothing is not subject to copyright protection, the New York federal court ruled that lace design Copyright as writing and incorporated into wedding dresses were protectable and enjoined another maker of wedding dresses from making and marketing copies.

C. Print Piracy

All the digitized documents were protected by copyright laws. Each page of the book was scanned by the Scanners, Optical character Reorganization. The library skilled professionals have to put in a lot of effort and time. Like kindle reading devices were increased their popularity in the digital era.

D. Unlawful streaming

Nowadays, there are many legal video streaming websites, software like Netflix, OTT platforms, Amazon digital. Streaming can allow the real-time playing of movies and songs and other content files without wasting time.

E. The digital Millennium copyright act

The digital millennium copyright act was enacted by Congress in 1998 to bring the American national copyright law into the digital age. As a result, digital content piracy is consequently very easy. (Bouchoux). Prohibits acts that circumvent technical protections is very important aspect in the copyright protection. Prohibition of trafficking in the form of softwares and hardware technology or technology designed to circumvent copyright protections. Safe harbour provisions insulating online service providers from liability for acts such as transmitting or linking to unauthorized content.

F. Enforcement

The author or creator can directly approach to the police department for complaint against infringement of author rights. The police department had pertinent activity in violating the copyright infringement. Creator of the document or his authorized copyright holder can give the notice to the custom officers to lift the clearance of import of infringed copies of creation. Special state-specific cells/units such as the Anti-Piracy Cell – Kerala Police, Telangana Intellectual Property Crime Unit (TIPCU), etc. have been created, which may be approached by the rights holders for protection and enforcement of their rights.

G. Criminal offenses

Importing for distribution, broadcasting, or communicating to the public, without authority, copies of any work or performance, and knowing that electronics rights management information has been removed or altered without authority. Making or causing to be made a false entry or writing wrongfully purporting to be a copy of any entry in the Register of Copyrights. Producing/tendering or causing to be produced or tendered as evidence any such writing, knowing the same to be false. Publishing a sound recording or a video film contravention of the provisions that lay down the particulars to be included in the copyright.

VIII. Indian Copyright Act

The Indian Copyright act is enacted in India in 1914. After the Indian Copyright act forced in 1957. This act was forced from 21st January 1958. The Indian copyright act was enacted in 1957 which was amended in 1984, 1992, 1994, and 1999 and 2012. to meet the international requirements of book publication. The origin of the Indian copyright act was enacted in 1847 under the East India Company by the British government. 1994 amendment is responsible for

communication broadcasting new technology computer applications into the communication. 1999 amendment responsible made the Copyright Act fully compatible with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. Extension of Copyright protection in the digital environment such as penalties for circumvention of technological protection measures and rights information management, internet liability service provider and introduction of statutory licenses for broadcasting organizations; ensuring the right to receive authors royalty, and composers of the music, exclusive economic and moral rights to performers, exception of Copyrights for physically disabled to access any works.

A. National Intellectual Property Right Policy 2016.

2016, 12th May, India has approved 1st ever “National Intellectual Property Rights Policy” was initiated. This was drafted by 6 members chaired by Rtd. Justice Prabha Sridevan. The finally the union cabinet was approved in May 2016. The National policy on Intellectual Property Right slogan is “Creative India, Innovative India” The slogan is subsequent by aligned different government initiatives and missions in recent times. 1. Make in India 2. Atal Innovation Mission 3. Start up india 4. Stand up India. To promoting innovation and entrepreneurship in the country.

1. Vision

India when creative and innovative are simulated by Intellectual Property Rights for benefit of all for India where intellectual property promotes advancement in Science and Technology, arts and culture traditional knowledge and biodiversity resources.

2. Indian Copyright Statistical data:

Copy right administration shifted to DIPP – CGPDTM in 2016-17

a) Copyright Trends:

Trends in copyright application in last 3 years

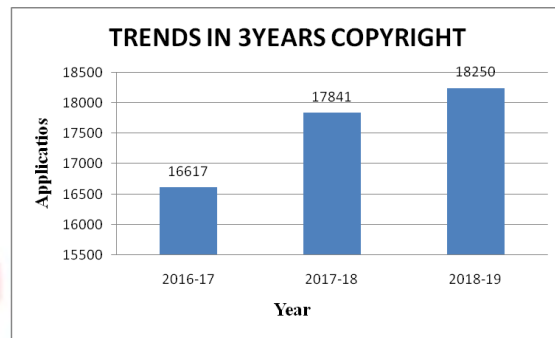


Figure: Copyright Application 2018-19

When compare to year wise annual report on IPR of India in 2019, copyright registration applications yearly increased that is 2016-17 is 16617, 2017-18 is 17841 and 2018-19 is 18250. It symbolise the interest of copyright authentication gradually increased.

Year	Total applications received	Total application n examined	Register Of Copyright (ROC) generated	Discrepant letter issued
2016-17	16,617	16,584	3,596	12,988
2017-18	17,841	34,388	19,997	29,309
2018-19	18,250	22,658	14,625	7,951

Source: Annual Report on Intellectual Property of India in 2019

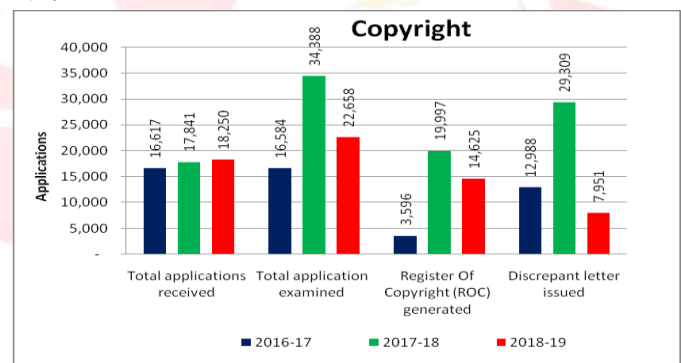


Figure 2: copy right applications received and examined finally give them to ROC, Copyright letter issued.

Category of Material	2016-17	2017-18	2018-19
Copyright	16617	17841	18250

Source: Annual Report on Intellectual Property of India in 2019

IX. Agreement on Copyright

A. Not For Profit Educational Institutions

The Teacher can make a single copy of copyrighted material like one chapter from a book or an article from the journal for research and teaching purpose. Not to exceed a single copy per

student in a course. The poem can be copied if it is not less than 250 words. Each book may contain copyright notices and the total effect of the copyrights is limited.

B. Copyright cases in 2021

Sony pictures network India Pvt.Ltd Vs www.sportssala.tv and others in High court of Delhi CS (comm.) 289/2021.

Sony pictures network India Pvt.Ltd sue against sportssala.tv for reproducing, distributing and broadcasting India Vs England, Srilanka cricket matches. The court grant injection in favor of Sony pictures against websites and its redirects.

Krishna Kishore singh (F/oSusanth Singh Rajput) Vs Sarala .a.Sarogi and others High court of Delhi, cs (comm.) 187/2021.

The high court of Delhi refused to grant interim injection against publication and release of films of Susanth Singh Rajput. Kishore Singh has filed case on different ground that is violation of publicity rights, privacy rights and violation of article 21 of the Indian constitution.

X. Conclusion

Producing/tendering or causing to be produced or tendered as evidence any such entry or writing, knowing the same to be false. Publishing a sound recording or a video film in contravention of the provisions that lay down the particulars to be included in copyright. Everyone should have his/her own moral ethics which are helpful to live right way on right path. The World is threaten by the piracy, every industry in the world should frighten by the pricy like film industry, consumer goods industry created its duplicate in the world. China is the most copyright violated country in the world , after the china, United states of America is in send place of copyright violated country. Are every world should protected by the copyright All the works or goods in the world should be protected. Artistic works, music, sound recording, broadcasting painting, creation, inventions of the latest should be protected by copyright law .2016, 12th May, India has approved 1st ever National Intellectual Property Right Policy was initiated. This national intellectual property right policy was drafted by 6 members chaired by Rtd Justice Prabha Sridevan. The finally the union cabinet approved in may 2016. The National policy on Intellectual Property Right slogan is "Creative India, Innovative India" The slogan is subsequent by aligned different government initiatives and missions in recent times 1. Make in India2.Atal Innovation Mission3.start up

india4. Stand up India. To promote innovation and entrepreneurship librarianship in the country. Every country in the world must have to implement their own national policy on intellectual Property Rights. World Intellectual Property Organisation have to take responsibility to start and proper implementation of National Policies in 189 Member countries of WIPO. Based on IPR survey 2019, Application trends gradually increasing.

XI. References

- [1]. Prasad, P. (2022). Fintech Law. Prakash Prasad.Pp.147
- [2]. Bouchoux," Intellectual Property: The Law of Trademark, Copyright, patents and Trade secrets "4th ed, Pp301, 308-312,323-326.
- [3]. Naomi,korn,Guide to Intellectual Property rights to other legal issues on web version1.0,Pp10
- [4]. Anasua Mukherjee Das, India Releases National Intellectual Property Rights Policy. Current Science, Vol-1, Issue No.7, October 2016.
- [5]. Annual Report on Intellectual Property of India in 2015-16.
- [6]. Abhijit Sinha, Librarian, Digital Libraries and Intellectual Property rights, Deena Dayal Upadyaya College.
- [7]. Hand Book of World Intellectual Property rights, WIPO Publications, ISBN 978-92-805-1291-5
- [8]. Sara,Mannheimer,Scot,W.H.Young,Doralyn,Ross mann, On Ethics of Social Network Research in libraries, Montana University.
- [9]. Gandhi (2020) Intellectual property rights and disputes and resolutions, Journal of Intellectual property rights, Vol.26.January 2021, Pp14-19.
- [10]. Annual Report on intellectual property rights of India, 2019
- [11]. Sijit, K., Swetha, S., & Council of Agriculture research (Lucknow). (2017). Fair dealing under copyright law : Indian perspective. Progressive Research an International, 12(III), 2454–6003.
- [12]. IPR policy sets a new agenda - Creative India; Innovative India. (2016, June 6). Lexology. <https://www.lexology.com/library/detail.aspx?g=2d3906c1-08a9-4331-962e-fc24b5b3e49e>.
- [13]. IPR policy sets a new agenda - Creative India; Innovative India. (2016, June 6). Lexology.

<https://www.lexology.com/library/detail.aspx?g=2d3906c1-08a9-4331-962e-fc24b5b3e49e>.

- [14]. Minister for electronics & IT, Shri Ashwini Vaishnaw to Felicitate Cyber Security Grand Challenge Winners Tomorrow. Press Information Bureau. (n.d.). Retrieved December 20, 2021, from <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1772713> .
- [15]. Intellectual property india. (n.d.). Retrieved December 20, 2021, from <https://ipindiaonline.gov.in/trademarkefiling/user/frmloginNew.aspx>
- [16]. Intellectual property india. (n.d.). Retrieved December 20, 2021, from <https://ipindiaonline.gov.in/epatentfiling/goForLogin/doLogin>.
- [17]. Anon, Beijing Treaty on audiovisual Performances. Available at: <https://www.wipo.int/treaties/en/ip/beijing/> [Accessed December 21, 2021].
- [18]. Institute of company secretaries of India. Professional program Intellectual Property rights-law and Practice.
- [19]. Anon, Circular 1 copyright basics. Available at: <https://www.copyright.gov/circs/circ01.pdf> [Accessed December 23, 2021].
- [20]. Anon, Copyright 2020. Available at: https://www.lexorbis.com/pdf/COP20_Chapter-9-India.pdf [Accessed December 23, 2021].
- [21]. www.wipo.int
- [22]. www.acc.com

Transforming Research

CFWA-2011