

## UNIT - I

## INDIAN COPY RIGHT LAW

(THE COPY RIGHT ACT, 1957 / AMENDMENT ACT, 2012 &amp; 2017)

<p><b>1. INTRODUCTION AND OVERVIEW OF THE COPY RIGHT ACT, 1957</b></p>
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**SYNOPSIS:**

- A. Introduction**
- B. Overview of copyright**
- C. Protection of copyright and Economic and Cultural Development of the society**
- D. Permission of the owner of the copyright**
- E. Scope of protection in the Copyright Act, 1957**
- F. Application of copyrights to titles and names**

**A. INTRODUCTION :**

Copyright is a right given by the law to creators of Literary, Dramatic, Musical and Artistic works and Producers of Cinematograph films and Sound recordings. It is a bundle of rights including like rights of Reproduction, Communication to the public, Adaptation and Translation of the work. There could be slight variations in the composition of the rights depending on the work.

**B. OVERVIEW OF COPYRIGHT:**

1. Copyright ensures certain minimum safeguards of the rights of authors over their creations.

2. It protects and rewards creativity.
3. Creativity is the keystone of progress. All civilized societies should encourage creativity.
4. It because of creativity, there is economic and social development of a society.
5. The protection provided by copyright to the writers, Artists, Designers, Dramatists, Musicians, Architects and Producers of Sound Recordings, Cinematograph films and Computer software help to create a conducive atmosphere to creativity. It induces them to create more and it also motivates others to do creative work.

**C. PROTECTION OF COPYRIGHT AND ECONOMIC AND CULTURAL DEVELOPMENT OF THE SOCIETY:**

1. If copyright protection is applied rigidly, than it can hamper progress of the society.
2. The Copyright laws, however, have been enacted with necessary exceptions and limitations. These exceptions and limitations maintain a balance between the interests of the creators and of the community.
3. Many types of exploitation of work which are for social purposes such as education, religious ceremonies, etc., are exempted from the operation of the rights granted in the Act.
4. Copyright in a work is considered as infringed, only if a substantial part is made use of unauthorizedly.

#### **D. PERMISSION OF THE OWNER OF THE COPYRIGHT:**

1. The general rule is that the permission of the copyright owner is necessary for publication etc., by others.
2. However, subject to certain conditions, a fair deal for research, study, criticism, review and news reporting, as well as use of works in library and schools and in the legislatures, is permitted without specific permission of the copyright owners.

#### **No PERMISSION:**

3. In the following cases, there is no permission required from the copyright owner-
  - a) for the purpose of research or private study, for criticism or review.
  - b) for reporting current events,
  - c) in connection with judicial proceeding,
  - d) performance by an amateur club or society if the performance is given to a non-paying audience, and
  - e) the making of sound recordings of literary, dramatic or musical works.

#### **E. SCOPE OF PROTECTION IN THE COPYRIGHT ACT, 1957**

1. The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works and

cinematograph films and sound recordings from unauthorized uses.

2. Unlike the case with patents, copyright protects the expressions and not the ideas. There is no copyright in an idea.

#### **F. APPLICATION OF COPYRIGHTS TO TITLES AND NAMES:**

1. Copyright does not protect titles or names, Short word combinations, Slogans, Short phrases, Methods, Plots or Factual information.
2. Copyright does not protect ideas or concepts.
3. The copyright work must be original to get copyright protection.

#### **UNIVERSITY QUESTIONS FOR REVIEW:**

1. *Give an overview of copyright. Is protection of copyright necessary?*
2. *Explain the scope of copyright, with special reference to the necessity of obtaining permission from the copyright owner. Are there exceptions to the above role?*
3. *Write short note on: a) Introduction of copyright b) Overview of copyright c) Scope of copyright.*

