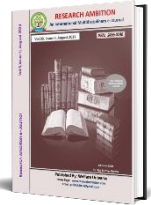




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SHAPING THE COPYRIGHT LAW: AN ANALYSIS THROUGH VARIOUS LEGAL ENTREPRENEURSHIP

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KEYWORDS

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ABSTRACT

The 1957 Copyright Act in India protects various creative industries, including literary, theatrical, musical, artistic, cinematographic, and sound recording producers. The Act, which began during British colonial control, promotes creativity and innovation. The author is the first owner of copyright, with work type affecting ownership. Copyright holders have economic rights, moral rights, and various infringement remedies, including civil, financial, and criminal actions.

Introduction

Copyright is a legal concept that grants creators of various works, like books, plays, and music, and art, exclusive rights to their creations. This also extends to filmmakers, musicians, and software developers. Essentially, it's a set of rights including reproduction, distribution, adaptation, and translation.¹ Copyright safeguards creators' rights and encourages innovation by acknowledging and protecting their creative efforts.

The Copyright Act in India, along with its accompanying rules, regulates copyright protection. It's important to note that mere ideas, knowledge, or concepts aren't eligible for copyright. Copyright safeguards the original expression of ideas and information. It can be claimed by the creator, their heirs, or an authorized agent.

Under the Act, the author has economic rights, including the right to reproduce, distribute, perform, or communicate their work to the public, create adaptations or translations, and make cinematograph films or sound recordings.² Moral rights, such as the right to claim authorship, protect honor and reputation, and prevent false attribution, also remain with the author even if the copyright is assigned³

In terms of enforcement, the Copyright Board, responsible for adjudicating certain copyright Cases, was dissolved in 2017. Its functions were transferred to the Intellectual Property Appellate Board (IPAB)⁴, which was later abolished in 2021. Now, these powers are vested in Commercial Courts, a division of High Courts.

Recent Developments

The Copyright (Amendment) Rules, 2021, were

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made public on March 30, 2021, to bring old rules up to date, make them consistent with other laws, and encourage openness and responsibility. By using electronic mail, the changes are meant to make the Copyright Office work better. The Copyright Office now has a website with a copyrights journal, and copyright societies are expected to make an Annual Transparency Report. From 60 to 180 days⁵, you now have more time to register a copyright club. Applicants no longer have to send in the whole source code. They only have to send in the first and last 10 pages, or the whole code if it's less than 20 pages.⁶

Sulamangalam R. Jayalakshmi and Anr. Vs. Meta Musicals and Ors.⁷ - Copyright laws have kept creative works like books, music, art, and events safe so that other people can't use or copy them without permission. Section 2(m) of the Copyright Act of 1957 defines an "infringing copy" as any copy of a literary, dramatic, musical, or artistic work that is made without permission. This includes making copies of movies, recordings of sounds, or shows or events that other people own the rights to. For the most part, it stops people from using someone else's unique work without their permission.

R.G. Anand Vs. M/S Delux Films and Ors.⁸

The contract was broken due to mistakes and disagreements. Anand sued the company, claiming that money alone would not suffice to rectify the breach. The court had to decide whether the contract could be specifically carried out, as specific performance is not applicable in personal service contracts like acting deals. The court ruled that making someone do personal tasks against

their will would be an invasion of their freedom. Instead, the court awarded R.G. Anand money to compensate for the breach, based on the amount lost. This case established a crucial standard in Indian contract law, emphasizing the importance of providing money damages to those wronged.

Super Cassettes Industries Ltd. Vs. Music Broadcast Pvt. Ltd⁹

T-Series, a prominent Indian music label, filed a lawsuit against FM radio station Music Broadcast Pvt. Ltd. for copyright infringement and unauthorized use of their songs. The court ruled in favor of T-Series, stating that Music Broadcast had violated their copyright by broadcasting their songs without the necessary licenses. The case highlights the legal implications of unauthorized use of copyrighted music and the need for proper licensing.

Tips Industries Ltd. Vs. Wynk Ltd. and Anr.¹⁰

Indian music production company Tips Industries Ltd. has filed a lawsuit against digital music streaming platform Wynk Ltd. and another party, alleging that Wynk had violated copyright laws by streaming their copyrighted songs without proper authorization. The company accused Wynk of making their music available without obtaining the necessary licenses or permissions, claiming it was a violation of copyright. The case likely involved arguments and evidence regarding ownership of the copyrights to the songs, the licenses required for streaming copyrighted music, and whether Wynk had indeed violated those licenses or copyrights. Tips Industries sought damages and possibly an injunction to prevent Wynk from continuing to stream their copyrighted music without proper

authorization.

Sanjeev Pillai Vs. Vennu Kunnapalli¹¹

The Kerala High Court ruled that an author retains special rights to claim authorship under Section 57(1) of the Copyright Act even after assigning rights to a work. The case involved Sajeev Pillai, a scriptwriter and director, who claimed extensive research on the historical festival "Mamankam" and prepared a script for a movie based on his script. The court considered whether there was justification for restraining the movie's release on 12.12.2019 through a temporary injunction. The court ruled that an author has the legal right to protect their intellectual property even after selling their rights. The court directed the trial court to further the case and dispose of it within 6 months.

Ratna Sagar Pvt. Ltd. Vs. Trisea Publications and Ors.¹²

Ratna Sagar Pvt. Ltd. filed a copyright infringement claim against Trisea Publications and others, alleging that they plagiarized their work in a book titled "Unique Science" (Volumes III, IV, and V). The court found Trisea Publications guilty and issued a perpetual injunction, restraining them from publishing, selling, or dealing with the infringing book. This case highlights the importance of protecting intellectual property rights and upholding copyright laws.

R.G. Anand Vs. Deluxe Films and Ors.¹³

R.G. Anand, a scriptwriter, signed an agreement with Deluxe Films to produce a film based on his script, "Hum Hindustani." However, after disputes, Deluxe Films produced "New Delhi" without Anand's consent, allegedly based on his script. Anand sued for copyright infringement, seeking

damages and an injunction to prevent the unauthorized screening. The court found substantial similarities between the two works, concluding that "New Delhi" was derived from Anand's script without proper authorization. The court ruled that the fundamental plot, characters, and sequence of events were substantially similar, resulting in copyright infringement. This case set a precedent in Indian copyright law, highlighting the importance of protecting the underlying ideas and expression of copyrighted works, even when presented in modified form.

Pepsi Company Vs. Hindustan Coca Cola Ltd.¹⁴

Pepsi Co. sued Hindustan Coca-Cola Ltd over a series of advertisements that allegedly disparaged their products through comparative advertising. The ads featured a child who initially claimed Pepsi as his favorite drink but later chose the respondent's drink in a blind taste test, revealing the other drink as "PAPPI." The appellants also claimed that the respondents copied their roller coaster commercial. The court found that the respondent's advertisements did disparage the appellant's products, highlighting the delicate balance between comparative advertising and protecting intellectual property rights. The case highlights the importance of avoiding more puffing of goods, as slander or defamation of a competitor's goods is not permitted.

Conclusion

The Copyright Act of 1957 establishes a comprehensive framework for the protection of creative expression, the guarantee of exclusive rights for creators, and the authorization of exceptions for fair use. On the other hand, the law

has developed to address issues connected to the management of digital rights and online infringement. In spite of the fact that there are court backlogs, resource limits, and piracy, enforcement continues to be a substantial challenge. A number of individuals believe that the rigidity of the Act could potentially limit innovation in areas such as user-generated material and remixes. Because it strikes a balance between the rights of those who have copyrights and the greater public interest in gaining access to knowledge and culture, the balance of rights is an important subject of concern. As a result of the Act's international effect, objections have been raised regarding its compatibility with domestic interests and international copyright standards. For this reason, it is essential to have a sophisticated understanding of the Copyright Act as well as to conduct ongoing reviews of it in order to guarantee that it will continue to be successful in the digital age.

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