

### KEY CONCEPTS

■ Copyright ■ Artistic Work ■ Author ■ Licence ■ Broadcast ■ Performance ■ Copyright Society

### Learning Objectives

#### To understand:

- Meaning of Copyright
- Commercial Rental
- Term of Copyright
- Assignment of Copyright
- Mode of Assignment
- International Copyright
- Registration of Copyright
- Infringement of Copyright
- Statutory Exception
- Remedies against Infringement
- Offences and Penalty

### Lesson Outline

- Meaning of Copyright
- Works in which Copyright Subsists
- Registration of Copyright
- Ownership of Copyright
- Assignment of Copyright
- Term of Copyright
- Licenses by owners of Copyright
- Copyright Society
- Infringement of Copyrights
- Lesson Round-Up
- Test Yourself
- List of Further Readings
- Other References

## REGULATORY FRAMEWORK

- The Copyright Act, 1957
- The Copyright Rules, 2013

The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works and cinematograph films and sound recordings from unauthorized uses. Under Article 9.2 of the TRIPS Agreements, copyright protects the expressions and not the ideas. There is no copyright protection for ideas, procedures, and methods of operation or mathematical concepts as such.

## INTRODUCTION

Copyright is a well recognised form of property right which had its roots in the common law system and subsequently came to be governed by the national laws in each country. Copyright as the name suggests arose as an exclusive right of the author to copy the literature produced by him and stop others from doing so. There are well-known instances of legal intervention to punish a person for copying literary or aesthetic output of another even before the concept of copyright took shape. The concept of idea was originally concerned with the field of literature and arts. In view of technological advancements in recent times, copyright protection has been expanded considerably. Today, copyright law has extended protection not only to literary, dramatic, musical and artistic works but also sound recordings, films, broadcasts, cable programmes and typographical arrangements of publications. Computer programs have also been brought within the purview of copyright law.

Copyright deals with the rights of intellectual creators in their creation. The copyright law deals with the particular forms of creativity, concerned primarily with mass communication. It is also concerned with virtually all forms and methods of public communication, not only printed publications but also with such matters as sound, and television broadcasting, films for public exhibition etc. and even computerised systems for the storage and retrieval of information.

In India, the law relating to copyright is governed by the Copyright Act, 1957 which has been amended in 1983, 1984, 1985, 1991, 1992, 1994, 1999 and 2012 and 2021. The copyright law aims to endorse exclusive forms of artistic works at the same time safeguarding the rights of its inventor. The scope of the law extends as far as literary, music, software, graphics, choreography, movies and likewise is concerned. These categories are further sub-categorised into books, documentaries, painting, articles and likewise, which aim in promoting work and not ideas. It is to be noted that the work of the creator is protected by the copyright law irrespective of its content or quality. Although the registration of the work is not a mandate, nevertheless it is always advisable to register the work the moment it is put to force.

### ***What is Copyright?***

***Copyright (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings.***

The object of copyright is to protect and reward the general advantages i.e. the authors' labour on the created work. This helps the writers to constantly produce and carry out more plays. It is important to note that in a given work, copyright law protects the "type of material communication," not the individual concepts, ideas, techniques or details. That is the reason why work has to be set in a physical form to be covered by copyright. A few examples of works being tangibly set to include stories written on paper and initial canvas paintings. The forms of work protected by copyright laws include, among other items, song lyrics, books, playbacks, images, computer programs, and emails. Though, you can't copyright stuff like ideas, titles, names, details etc. Publishing is important for businesses because it only gives the author of the work exclusive rights to replicate

their works, create derivative works, distribute and sell any copies of the work, show and publicly perform copyrighted works. You may grant certain rights as a package or separately. This also helps owners to produce income if any other individual opts for reproducing the job.

***Why should Copyright be Protected?***

***Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.***

***The Copyright Act provides an economic right to the author to reproduce the work, to issue copies, to perform or communicate it to the public, to make any cinematograph film or sound recording or to make any adaptation or translation of the work. The Act also provides a right to claim authorship of the work; an integrity right- right to protect one's honor and reputation and a general right- right to not have a work falsely attributed to oneself. These moral rights remain with the author even after assignment of the copyright.***

It may be noted that:

“Adaptation” means,-

- (i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;
- (ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;
- (iii) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical;
- (iv) in relation to a musical work, any arrangement or transcription of the work; and
- (v) in relation to any work, any use of such work involving its re-arrangement or alteration.

“Communication to the public” means making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available. However, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public.

“Sound recording” means a recording of sounds from which such sounds may be produced regardless of the medium on which such recording is made or the method by which the sounds are produced.

“Author” means,-

- (i) in relation to a literary or dramatic work, the author of the work;
- (ii) in relation to a musical work, the composer;

- (iii) in relation to an artistic work other than a photograph, the artist;
- (iv) in relation to a photograph, the person taking the photograph;
- (v) in relation to a cinematograph or sound recording the producer; and
- (vi) in relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created;

### Works in which Copyright Subsists

Section 13(1) of the Act provides that copyright shall subsist throughout India in the following classes of works, that is to say,—

- (a) original literary, dramatic, musical and artistic works;
- (b) cinematograph films; and
- (c) sound recording.

Section 13 (2) states that copyright shall not subsist in any work specified in sub-section (1), other than a work to which the provisions of Section 40 (*deals with power to extend copyright to foreign works*) or section 41 (*deals with provisions as to works of certain international organisations*) apply, unless—

- (i) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;
- (ii) in the case of an unpublished work other than a work of architecture, the author is at the date of making of the work a citizen of India or domiciled in India; and
- (iii) in the case of a work of architecture the work is located in India.

It may be noted that in the case of a work of joint authorship, the conditions conferring copyright specified in this sub-section shall be satisfied by all the authors of the work.

According to Section 13 (3) Copyright shall not subsist—

- (a) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;
- (b) in any sound recording made in respect of a literary, dramatic or musical work, if in making the sound recording, copyright in such work has been infringed.

The copyright in a cinematograph film or a record shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or, as the case may be, the sound recording is made.

In the case of a work of architecture, copyright shall subsist only in the artistic character and design and shall not extend to processes or methods of construction.

It may be noted that 'work' means any of the following works, namely:-

- a literary, dramatic, musical or artistic work;
- a cinematograph film;
- a sound recording.

**MEANING OF COPYRIGHT**

Copyright is an intellectual property right that law gives to a creator of literary, dramatic, musical, and artistic work and a producer of cinematograph films and sound recordings. It also applies to architectural works and computer program/software. It can be understood as a bundle of rights that include the right of reproduction, communication, adaptation, and translation of the work. Copyright ensures protection to the rights of authors over their creations and in turn aims at rewarding creativity.

<b>Section 14 of the Act defines the term Copyright as to mean the exclusive right to do or authorise the doing of the following acts in respect of a work or any substantial part thereof, namely:</b>		
(a) Copyright in the case of a Literary, Dramatic or Musical Work, not being a Computer Programme	→	<ul style="list-style-type: none"> <li>(i) to reproduce the work in any material form including the storing of it in any medium by electronic means;</li> <li>(ii) to issue copies of the work to the public not being copies already in circulation;</li> <li>(iii) to perform the work in public, or communicate it to the public;</li> <li>(iv) to make any cinematograph film or sound recording in respect of the work;</li> <li>(v) to make any translation of the work;</li> <li>(vi) to make any adaptation of the work;</li> <li>(vii) to do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi).</li> </ul>
(b) Copyright in the case of a Computer Programme	→	<ul style="list-style-type: none"> <li>(i) to do any of the acts specified in specified in respect of a literary, dramatic or musical work;</li> <li>(ii) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programmer:  Provided that such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.</li> </ul>
(c) Copyright in the case of an Artistic Work	→	<p>To reproduce the work in any material form including—</p> <ul style="list-style-type: none"> <li>(A) the storing of it in any medium by electronic or other means; or</li> <li>(B) depiction in three-dimensions of a two-dimensional work; or</li> <li>(C) depiction in two-dimensions of a three-dimensional work.</li> </ul>

(d) Copyright in the case of a Cinematograph Film	→	<ul style="list-style-type: none"> <li>(i) to make a copy of the film, including— <ul style="list-style-type: none"> <li>(A) a photograph of any image forming part thereof; or</li> <li>(B) storing of it in any medium by electronic or other means.</li> </ul> </li> <li>(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film.</li> <li>(iii) to communicate the film to the public.</li> </ul>
(e) Copyright in the case of a Sound Recording	→	<ul style="list-style-type: none"> <li>(i) to make any other sound recording embodying it including storing of it in any medium by electronic or other means;</li> <li>(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording;</li> <li>(iii) to communicate the sound recording to the public.</li> </ul> <p>It may be noted that a copy which has been sold once shall be deemed to be a copy already in circulation.</p>

It may be noted that “commercial rental” does not include the rental, lease or lending of a lawfully acquired copy of a computer programme, sound recording, visual recording or cinematograph film for non-profit purposes by a non-profit library or non-profit educational institution.

However, a “non-profit library or nonprofit educational institution” means a library or educational institution which receives grants from the Government or exempted from payment of tax under the Income-Tax Act, 1961.

Hon’ble Delhi High Court in the case of *Informa Markets India Private Limited (Petitioner) Vs. M/S 4PInfotech And Anr (Respondents)*, C.O.(COMM.IPD-CR) 695/2022 Judgement dated May 06, 2024, referred the case of *R. G. Anand v. M/s Deluxe Films and Others, (1978) 4 SCC 118*, wherein Hon’ble Supreme Court traversed the law as was available from various international jurisdictions and reached the following conclusion in paragraph 45 and 46, which are extracted as under:

*“45. Thus, the position appears to be that an idea, principle, theme, or subject-matter or historical or legendary facts being common property cannot be the subject-matter of copyright of a particular person. It is always open to any person to choose an idea as a subject-matter and develop it in his own manner and give expression to the idea by treating it differently from others. Where two writers write on the same subject similarities are bound to occur because the central idea of both are the same but the similarities or coincidences by themselves cannot lead to an irresistible inference of plagiarism or piracy. Take for instance the great poet and dramatist Shakespeare most of whose plays are based on Greek-Roman and British mythology or legendary stories like Merchant of Venice, Hamlet, Romeo and Juliet, Julius Ceasar etc. But the treatment of the subject by Shakespeare in each of his dramas is so fresh, so different, so full of poetic exuberance elegance and erudition and so novel in character as a result of which the end product becomes an original in itself. In fact, the power and passion of his expression, the uniqueness, eloquence and excellence of his style and pathos and bathos of the dramas become peculiar to Shakespeare and leaves precious little of the original theme adopted by him. It will thus be preposterous to level a charge of plagiarism against the great playwright. In fact, throughout his original thinking, ability and incessant labour Shakespeare has converted an old idea into a new one, so that each of his dramas constitute a masterpiece of English literature. It has been rightly said that “every drama of Shakespeare is an extended metaphor”. Thus, the fundamental fact which has to be determined where a charge of violation of the*

copyright is made by the plaintiff against the defendant is to determine whether or not the defendant not only adopted the idea of the copyrighted work but has also adopted the manner, arrangement, situation to situation, scene to scene with minor changes or super additions or embellishment here and there. Indeed, if on a perusal of the copyrighted work the defendant's work appears to be a transparent rephrasing or a copy of a substantial and material part of the original, the charge of plagiarism must stand proved. Care however must be taken to see whether the defendant has merely disguised piracy or has actually reproduced the original in different form, different tone, different tenor so as to infuse a new life into the idea of the copyrighted work adapted by him. In the latter case there is no violation of the copyright.

**46.** Thus, on a careful consideration and elucidation of the various authorities and the case law on the subject discussed above, the following propositions emerge:

1. There can be no copyright in an idea, subject-matter, themes, plots or historical or legendary facts and violation of the copyright in such cases is confined to the form, manner and arrangement and expression of the idea by the author of the copyrighted work.
2. Where the same idea is being developed in a different manner, it is manifest that the source being common, similarities are bound to occur. In such a case the courts should determine whether or not the similarities are on fundamental or substantial aspects of the mode of expression adopted in the copyrighted work. If the defendant's work is nothing but a literal imitation of the copyrighted work with some variations here and there it would amount to violation of the copyright. In other words, in order to be actionable the copy must be a substantial and material one which at once leads to the conclusion that the defendant is guilty of an act of piracy.
3. One of the surest and the safest test to determine whether or not there has been a violation of copyright is to see if the reader, spectator or the viewer after having read or seen both the works is clearly of the opinion and gets an unmistakable impression that the subsequent work appears to be a copy of the original.
4. Where the theme is the same but is presented and treated differently so that the subsequent work becomes a completely new work, no question of violation of copyright arises.
5. Where however apart from the similarities appearing in the two works there are also material and broad dissimilarities which negative the intention to copy the original and the coincidences appearing in the two works are clearly incidental no infringement of the copyright comes into existence.
6. As a violation of copyright amounts to an act of piracy it must be proved by clear and cogent evidence after applying the various tests laid down by the case-law discussed above.
7. Where however the question is of the violation of the copyright of stage play by a film producer or a director the task of the plaintiff becomes more difficult to prove piracy. It is manifest that unlike a stage play a film has a much broader prospective, wider field and a bigger background where the defendants can by introducing a variety of incidents give a colour and complexion different from the manner in which the copyrighted work has expressed the idea. Even so, if the viewer after seeing the film gets a totality of impression that the film is by and large a copy of the original play, violation of the copyright may be said to be proved."

Delhi High Court said that while this exposition and articulation by the Hon'ble Supreme Court is self-explanatory, it must be reiterated that the conclusion was that there subsists no copyright in an idea, subject matter, theme, plot or historical and legendary fact, and that copyright is confined to the form, manner, arrangement and expression of the idea. If the same idea has been developed in a different manner albeit with some fundamental or substantial similarities in the mode of expression adopted, then the issue of infringement of copyright arises. However, if the same idea has been presented differently, such that the subsequent work transforms into a completely new work, there is no violation of copyright.

*In the case of Gramophone Company of India Ltd. vs. Super Cassette Industries Ltd. R.A.J. 433: 2010 (44) PTC 541 (Del) - Infringement of original literary, dramatic and musical works. Whether action of the Defendant in using its sound recording to produce a cinematograph film constitutes infringement of the Plaintiffs copyright in the original literary, dramatic and musical works. Copyright conferred on the owner of a copyright in a sound recording by virtue of Section 14(e) does not specifically include the right to make a cinematograph film embodying the sound recording. It gives the owner exclusive right to make any other sound recording embodying it. Right to utilise the literary, dramatic or musical work to make a cinematograph film is specifically conferred on the owner of the copyright in the literary, dramatic or musical work by virtue of Section 14(a)(iv) of the Act. Without the specific permission of the owners of the copyright in the musical, dramatic, or literary works from which the sound recording was made, the owner of the copyright in a sound recording cannot proceed with incorporating the sound recording or version recording in a cinematograph film.*

## TERM OF COPYRIGHT

Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

**Sections 22-29 deal with Term of Copyright in respect of Published Literary, Dramatic, Musical and Artistic Works; Anonymous and Pseudonymous; Posthumous, Photographs, Cinematograph Films, Sound Recording, Government Works, Works of PSUs and Works of International Organisations.**

<i>Term of Copyright</i>		<i>Number of Years</i>
<b>Term of Copyright in Published Literary, Dramatic, Musical and Artistic Works</b>	→	Copyright shall subsist in any literary, dramatic, musical or artistic work published within the lifetime of the author until sixty years from the beginning of the calendar year next following the year in which the author dies.  In the case of a work of joint authorship, be construed as a reference to the author who dies last.
<b>Term of Copyright in Anonymous and Pseudonymous Works</b>	→	In the case of literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published.  Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the author dies.

<b>Term of Copyright in Posthumous Work</b>		In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author or, in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.  A literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any sound recordings made in respect of the work have been sold to the public or have been offered for sale to the public.
<b>Term of Copyright in Cinematograph Films</b>	→	In the case of a cinematograph film, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the film is published.
<b>Term of Copyright in Sound Recording</b>	→	In the case a sound recording copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the sound recording is published.
<b>Term of Copyright Government Works</b>	→	In the case of Government work, where Government is the first owner of the copyright therein, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published.
<b>Term of Copyright in Works Of Public Undertakings</b>	→	In the case of a work, where a public undertaking is the first owner of the copyright therein, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published.
<b>Term of Copyright in Works of International Organizations</b>	→	In the case of a work of an international organisation to which the provisions of section 41 apply, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published.

It may be noted that:

The © symbol stands for copyright.

### ASSIGNMENT OF COPYRIGHT

Section 18 of the Copyright Act provides that the owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof.

However, in case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence. No such assignment shall be applied to any medium or mode of exploitation of

the work which did not exist or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work.

However, the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilization of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copy right society for collection and distribution and any agreement to contrary shall be void.

The author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilization of such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void. It may be noted that assignee in respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

***In Video Master vs. Nishi Production 1998(3) Bom. CR 782, judgement dated 21 October, 1997, Hon'ble Bombay High Court considered the issue whether assignment of video rights would include the right of satellite broadcast as well. The Court agreed with the defendant's arguments that there were several public communication channels, including video TV, satellite broadcasting, and terrestrial television broadcasting. The film's owner owned independent copyright in each of those formats, and he could assign it to various people. As a result, the video copyright granted to the plaintiff would exclude the satellite broadcast copyright of the film, which was a separate entitlement of the owner of the film.***

### Mode of Assignment

Section 19 of the Act provides that an assignment of the copyright in any work should be in writing signed by the assignor or by his duly authorised agent. The assignment of copyright in any work required to identify such work, and also specify the rights assigned; the duration; territorial extent of such assignment; the amount of royalty and any other consideration payable to the author or his legal heirs during the currency of the assignment and the assignment subject to revision, extension or termination on terms mutually agreed upon by the parties.

Where the assignee does not exercise the rights assigned to him under any of the other sub- sections of this section within a period of one year from the date of assignment, the assignment in respect of such rights shall be deemed to have lapsed after the expiry of the said period unless otherwise specified in the assignment.

The assignment of copyright in any work contrary to the terms and conditions of the rights already assigned to a copyright society in which the author of the work is a member is void. The Assignment of copyright in any work to make a cinematograph film does not affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilization of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.

***In the case of K.A. Venugopala Setty vs. Dr. Suryakanta V. Kamath 1992 (12) PTC 55 (DB) (Kar) Assignment setup by the defendant is an oral assignment. Under the provisions contained in section 19 of the Act, assignment of copyright must be in writing and signed by the author or his duly authorized agent stating in clear terms about the right proposed to be assigned as well as the size of the work. Hence, an oral assignment is invalid and it is impermissible in law.***

***The Hon'ble Court ruled that Section 19A of the Act, which deals with copyright disputes, will only be applicable when a copyright assignment is made in compliance with Section 19 of the Act, which means it is in written and signed by the assignor or his properly authorised agent. Therefore, provision 19A cannot be considered to apply in the current instance and preclude the lawsuit because there isn't an assignment in writing as required by section 19 of the Act.***

### Disputes with respect to Assignment of Copyright

Section 19A(1) provides that if an assignee fails to make sufficient exercise of the rights assigned to him, and such failure is not attributable to any act or omission of the assignor, then, the Commercial Court may, on receipt of a complaint from the assignor and after holding such inquiry as it may deem necessary, revoke such assignment.

According to Section 19A(2) If any dispute arises with respect to the assignment of any copyright, the **Commercial Court** may, on receipt of a complaint from the aggrieved party and after holding such inquiry as it considers necessary, pass such order as it may deem fit including an order for the recovery of any royalty payable:

*It may be noted that Commercial Court for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted section 4, of the Commercial Courts Act, 2015.*

Provided that the Commercial Court shall not pass any order under this sub-section to revoke the assignment unless it is satisfied that the terms of assignment are harsh to the assignor in case the assignor is also the author:

Provided further that, pending the disposal of an application for revocation of assignment under this sub-section, the Commercial Court may pass such order, as it deems fit regarding implementation of the terms and conditions of assignment including any consideration to be paid for the enjoyment of the rights assigned:—

Provided also that, no order of revocation of assignment under this sub-section, shall be made within a period of five years from the date of such assignment.

Every complaint received under Section 19A(2) shall be dealt with by the Commercial Court as far as possible and efforts shall be made to pass the final order in the matter within a period of six months from the date of receipt of the complaint and any delay in compliance of the same, the Commercial Court shall record the reasons thereof.

## LICENCES

Chapter VI containing Sections 30-32B deal with licences. Section 30 deals with licences by owners of copyright; Section 30A contains provisions regarding application of Sections 19 and 19A; section 31 provides for compulsory licence in works withheld from public; Section 31A deals with compulsory licences in unpublished Indian works; Section 31B deals with Compulsory Licence for the benefit of disabled; Section 31C deals with statutory licence for cover versions; Section 31D deals with statutory licence for broadcasting of literary and musical works and sound recording; Section 32 deals with licences to produce and publish translations; Section 32A provides for licence to reproduce and publish works for certain purposes; and Section 32B deals with termination of licences.

### Licences by Owners of Copyright

The author or the copyright owner has exclusive rights in his creative work and he alone has right to grant license with respect to such work. Section 30 of the Act empowers the owner of the copyright in any existing work or the prospective owner of the copyright in any future work to grant any interest in the right by licence in writing by him or by his duly authorised agent. However, in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

Explanation to this section clarifies that where a person to whom a licence relating to copyright in any future work is granted, dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

### Compulsory Licence in Works withheld From Public

According to Section 31 of the Act, if at any time during the term of copyright in any work] which has been published or performed in public, a complaint is made to the Commercial Court that the owner of copyright in the work-

- (a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or
- (b) has refused to allow communication to the public by broadcast of such work or in the case of a sound recording the work recorded in such sound recording, on terms which the complainant considers reasonable;

the Commercial Court, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by broadcast, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Commercial Court may determine; and thereupon the Registrar of Copyrights shall grant the licence to such person or persons who, in the opinion of the Commercial Court, is or are qualified to do so in accordance with the directions of the Commercial Court, on payment of such fee as may be prescribed.

### Compulsory Licence in Unpublished or Published Works

Section 31A provides that where, in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Commercial Court for a licence to publish or communicate to the public such work or a translation thereof in any language.

Before making an application, the applicant shall publish his proposal in one issue of a daily newspaper in the English language having circulation in the major part of the country and where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.

Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued above and such fee as may be prescribed.

Where an application is made to the Commercial Court under this section, it may after holding such inquiry as may be prescribed, direct the Registrar of Copyrights to grant to the applicant a licence to publish the work or a translation thereof in the language mentioned in the application subject to the payment of such royalty and subject to such other terms and conditions as the Commercial Court may determine, and thereupon the Registrar of Copyrights shall grant the licence to the applicant in accordance with the direction of the Commercial Court.

Where a licence is granted under this section, the Registrar of Copyrights may, by order, direct the applicant to deposit the amount of the royalty determined by the Commercial Court in the public account of India or in any other account specified by the Commercial Court so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.

If the original author is dead, the Central Government may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.

Where any work is not published within the period specified by the Central Government Commercial Court may, on an application made by any person for permission to publish the work and after hearing the parties concerned, permit such publication on payment of such royalty as the Commercial Court may, in the circumstances of such case, determine in the prescribed manner.

### Statutory Licence for Broadcasting of Literary and Musical Works and Sound Recording

According to Section 31D of the Act, any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so, subject to the provisions of this section.

The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the Commercial Court.

The rates of royalties for radio broadcasting shall be different from television broadcasting and the Commercial Court shall fix separate rates for radio broadcasting and television broadcasting.

In fixing the manner and the rate of royalty the Commercial Court may require the broadcasting organisation to pay an advance to the owners of rights.

The names of the authors of the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

The broadcasting organisation shall—

- (a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and
- (b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast, in such manner as may be prescribed.

### Termination of Licence

Section 32B of the Act deals with termination of licences and provides that if at any time after the granting of a licence, the owner of the copyright in the work or any person authorised by him publishes a translation of such work in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for the translation of works of the same standard on the same or similar subject, the licence so granted shall be terminated. However, such termination shall take effect only after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding such licence by the owner of the right of translation intimating the publication of the translation.

### COPYRIGHT SOCIETY

***A copyright society is a registered collective administration society under Section 33 of the Copyright Act, 1957. Such a society is formed by authors and other owners. A copyright society can issue or grant licences in respect of any work for which it is authorised to by the authors or owners of the work.***

***The Copyright Society is a legal body that protects or safeguards the interest of the owner in the product in which copyright subsists. Copyright societies give assurance to the creative author of the commercial management of their works. It can also be described as a registered collective administration society for the management and protection of copyright.***

### Registration of Copyright Society

Section 33(1) prohibits any person or association of persons to commence or, carry on the business of issuing or granting licences in respect of any work in which copyright subsists on respect or in respect of any other rights

conferred by the Act. However, owner of copyright in his individual capacity, continue to have the right to grant licences in respect of his own works consistent with his obligations as a member of the registered copyright society. The business of issuing or granting license in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recordings shall be carried out only through a copyright society duly registered under the Act.

Sub section (3) of Section 33 provides that Central Government registers association of persons as a copyright society after taking into account the following factors:

- in the interests of the authors and other owners of rights;
- the interest and convenience of the public and in particular of the groups of persons who are most likely to seek licences in respect of the relevant rights; and
- the ability and professional competence of the applicants.

As per Section 33(3A) registration granted to a copyright society under sub-section (3) mentioned above shall be for a period of five years and may be renewed from time to time before the end of every five years on a request in the prescribed form and the Central Government may renew the registration after considering the report of Registrar of Copyrights on the working of the copyright society. However, the renewal of the registration of a copyright society shall be subject to the continued collective control of the copyright society being shared with the authors of works in their capacity as owners of copyright or of the right to receive royalty.

Central Government if satisfied that a copyright society is being managed in a manner detrimental to the interests of “authors and other owners of right” concerned, cancel the registration of such society after such inquiry as may be prescribed. It also states that the copyright society duly registered under the act can only conduct the business of issuing/granting licenses to the copyrighted work i.e. literary, dramatic, musical, or artistic works incorporated in cinematograph films or sound recordings.

### **Administration of Rights of Owner by Copyright Society**

Section 34 of the Act empowers a copyright society to accept exclusive authorisation from an author and other owners of right to administer any right in any work by issue of licences or collection of licence fees or both. Such authorization can be withdrawn by an author and other owners of right.

Copyright society is competent to enter into agreement with any foreign society or organisation administering rights corresponding to rights under the Indian Copyright Act to entrust to such foreign society or organisation the administration in any foreign country of rights administered by the said copyright society in India, or for administering in India the rights administered in a foreign country by such foreign society or organisation.

Copyright Society empower to—

- (i) issue licences under section 30 in respect of any rights under this Act;
- (ii) collect fees in pursuance of such licences;
- (iii) distribute such fees among author and other owners of right after making deductions for its own expenses;
- (iv) perform any other functions consistent which the provisions of section 35.

### **Control Over the Copyright Society by the Author and Other Owners of Right**

As per Section 35 every copyright society is subject to the collective control of the owners of rights it administers. It does not includes administered by a foreign society or organisation.

Every copyright society shall have a governing body with such number of persons elected from among the members of the society consisting of equal number of authors and owners of work for the purpose of the administration of the society. All members of copyrights society shall enjoy equal membership rights and there shall be no discrimination between authors and owners of rights in the distribution of royalties.

## RIGHTS OF BROADCASTING ORGANISATION AND OF PERFORMERS RIGHTS OF BROADCASTING ORGANISATION AND PERFORMERS

*Chapter VIII of the Act containing Section 37-39A deals with rights of Broadcasting Organisations and of Performers.*

### Broadcast Reproduction Right

Section 37 entitles every broadcasting organisation to have a special right to be known as “broadcast reproduction right” in respect of its broadcasts.

The Broadcast reproduction right shall subsist until **twenty-five years** from the beginning of the calendar year next following the year in which the broadcast is made.

As per Section 37(3) during the continuance of a broadcast reproduction right in relation to the broadcast or any substantial part thereof,-

- (a) re-broadcasts the broadcast; or
- (b) causes the broadcast to be heard or seen by the public on payment of any charges; or
- (c) makes any sound recording or visual recording of the broadcast; or
- (d) makes any reproduction of such sound recording or visual recording where such initial recording was done without licence or, where it was licensed, for any purpose not envisaged by such licence; or
- (e) sells or gives on commercial rental or offer for sale or for such rental, any such sound recording or visual recording referred to in clause (c) or clause (d).

### Performer’s Right

Section 38 provides that where any performer appears or engages in any performance, he shall have a special right to be known as the “performer’s right” in relation to such performance. The performer’s right subsist until **fifty years** from the beginning of the calendar year next following the year in which the performance is made.

### Exclusive Right of Performer

As per section 38A without prejudice to the rights conferred on authors, the performer’s right which is an exclusive right subject to the provisions of the Act to do or authorise for doing any of the following acts in respect of the performance or any substantial part thereof, namely:—

- (a) to make a sound recording or a visual recording of the performance, including—
  - (i) reproduction of it in any material form including the storing of it in any medium by electronic or any other means;
  - (ii) issuance of copies of it to the public not being copies already in circulation;
  - (iii) communication of it to the public;

- (iv) selling or giving it on commercial rental or offer for sale or for commercial rental any copy of the recording;
- (b) to broadcast or communicate the performance to the public except where the performance is already broadcast.

It may be noted that once a performer has, by written agreement, consented to the incorporation of his performance in a cinematograph film he shall not, in the absence of any contract to the contrary, object to the enjoyment by the producer of the film of the performer's right in the same film. However, the performer shall be entitled for royalties in case of making of the performances for commercial use.

### Moral Right of Performer

Section 38B of Act provides that the performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance; and to restrain or claim damages in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

#### ***What are the Moral Rights of an Author?***

***The author of a work has the right to claim authorship of the work and to restrain or claim damages in respect of any distortion, mutilation, modification or other acts in relation to the said work which is done before the expiration of the term of copyright if such distortion, mutilation, modification or other act would be prejudicial to his honour or reputation. Moral rights are available to the authors even after the economic rights are assigned.***

### Copyright Protection to Foreign Works

The Copyright Act applies only to works first published in India, irrespective of the nationality of the author. However Section 40 of the Act empowers the Government of India to extend the benefits of all or any of the provisions of the Act to works first published in any foreign country. The benefits granted to foreign works will not extend beyond what is available to the works in the home country and that too on a reciprocal basis i.e. the foreign country must grant similar protection to works entitled to copyright under the Act.

#### **The International Copyright Order, 1999 [S.O. 228(E), dated 24<sup>th</sup> March 1999, published in the Gazette of India, Extra Pt II, Sec. 3 (i), dated 6<sup>th</sup> April 1999]**

*In exercise of the powers conferred by section 40 of the Copyright Act, 1957 and in supersession of the International Copyright Order, 1991, the Central Government hereby makes the following Order, namely the International Copyright Order, 1999.*

**2. In International Copyright Order, 1999, unless the context otherwise requires:-**

- (a) *“Berne Convention Country” means a country which is a member of the Berne Copyright Union, and includes a country mentioned either in Part I or in Part II of the Schedule;*
- (b) *“Phonogram” means an exclusively aural fixation of a performance or other sounds;*
- (c) *“Phonograms Convention Country” means a country which has either ratified, or accepted, or acceded to the Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of their Phonograms, done at Geneva on the Twenty ninth day of October, one; thousand nine hundred and seventy-one, and includes a country mentioned in Part V of the Schedule;*

- (d) *“Schedule” means the Schedule appended to this Order;*
- (e) *“Universal Copyright Convention Country” means a country which has either ratified, or accepted, or acceded to the Universal Copyright Convention, and includes a country mentioned either in Part III or in Part IV of the Schedule;*
- (f) *“World Trade Organisation Country” means a country which is a member of the World Trade Organisation and which has either ratified, or accepted, or acceded to the Agreement on Trade Related Aspects of Intellectual Property Right, 1994 and includes a country mentioned in Part VI of the Schedule.*

**3.** *Subject to the provisions of paragraphs 4, 5 and 6, all the provisions of the Copyright Act, 1957 except those in Chapter VIII, and those other provisions which apply exclusively to Indian works, shall apply :-*

- (a) *to any work first made or published in a country mentioned in Part I, II, III, IV or VI of the Schedule, in like manner as if it was first published in India;*
- (b) *to any work first made or published in a country other than a country mentioned in Part I, II, III, IV or VI of the Schedule, the author of which was, at the date of such publication, or, where the author was dead on that date, he was at the time of his death, a national of a country mentioned in Part I, II, III, IV and VI of the Schedule, in like manner, as if the author was a citizen of India at that point of time;*
- (c) *to an unpublished work, the author whereof was, at the time of the making or publication of the work, a national or domiciled in any country mentioned in Part I, II, III, IV and VI of the Schedule, in like manner, as if the author was a citizen of, domiciled in, India;*
- (d) *to any work first made or published by a body corporate incorporated under any law of a country mentioned in Part I, II, III, IV or Part VI of the Schedule, in like manner, as if it was incorporated under a law in force in India; and*
- (e) *to a sound recording first made, the producer of which was, at the date of such production, a national of a country mentioned in Part V or Part VI of the Schedule or a body corporate incorporated under a law in force in such a country, in like manner as if the producer was the citizen of India or a body corporate incorporated under a law in force in India, as the case may be, at that point of time.*

**4.** *Notwithstanding anything contained in paragraph 3, the provisions of Chapter VIII of the Act shall apply to a Broadcasting Organisation and a Performer in a World Trade Organisation Country mentioned in Part VI of the Schedule.*

**5.** *Notwithstanding anything contained in clause (a) of paragraph 3 and paragraph 4 of the provisions of sub-section (1) of section 32 of the Act-*

- (i) *shall not apply to a work first made or published in any Berne Convention Country mentioned in Part I and Part II of the Schedule.*
- (ii) *shall not apply to a work first made or published in any World Trade Organisation Country mentioned in Part VI of the Schedule.*
- (iii) *shall apply to a work first made or published in any Universal Copyright Convention Country mentioned in Part III or Part IV of the Schedule. Only in respect of the translation of such work into any language specified in the Eighth Schedule to the Constitution of India.*

**6.** *The provisions of section 32 (excluding its sub section (1) 32A and 32B shall apply to a work first made or published in a Berne Convention Country mentioned in Part I of the Schedule or in a Universal Copyright*

Convention Country mentioned in Part III of the Schedule or in a World Trade Organisation Country mentioned in Part VI of the Schedule.

**7.** *The term of copyright in a work shall not exceed that which is enjoyed by it in its country of origin.*

*Explanation- In this paragraph, "the country of origin" shall mean-*

- (a) *in the case of a work first made or published in a Berne Convention Country or in a Universal Copyright Convention Country or a World Trade Organisation Country, that country;*
- (b) *in the case of a work made or published simultaneously either in a Berne Convention Country or a Universal Copyright Convention Country or in a World Trade Organisation Country and in a country which is neither a Berne Convention Country nor a World Trade Organisation Country, the former country;*
- (c) *in the case of a work which is made or published simultaneously in several Berne Convention Countries, the country whose laws grant the shortest term of copyright to such a work;*
- (d) *in the case of a work which is made or published simultaneously in several Universal Copyright Convention Countries, the country whose laws grant the shortest term of copyright to such a work;*
- (e) *in the case of a work which is made or published simultaneously in several World Trade Organisation Countries, the country whose laws grant the shortest term of copyright to such a work;*
- (f) *in the case of an unpublished work or a work first made or published in a country other than a Berne Convention Country or a Universal Copyright Convention Country or a World Trade Organisation Country, the country of which the author was a citizen, or the country in which he was domiciled at the time of its first publication, whichever grants the longer term of copyright.*

## REGISTRATION OF COPYRIGHT

**Chapter X of the Copyright Act containing Sections 44- 50A deals with various aspects of registration of copyright.**

The mechanism of registration of copyright has been contemplated under Section 44 of the Act. It is evident from the provisions of the aforesaid section that registration of the work under the Copyright Act is not compulsory and is not a condition precedent for maintaining a suit for damages, if somebody infringes the copyright. Sections 44 and 45 of the Copyright Act are only enabling provisions and do not affect the common law right to sue for infringement of copyright. An action for infringement can be brought even if the registration has not been done. The only effect of registration is that it is the prima facie evidence of the particulars entered in the register.

Section 45 of the Act clearly mentions that the author or publisher of, or the owner of or other person interested in the Copyright in, any Work *may* make an application in the prescribed form accompanied by the prescribed fee to the registrar of Copyrights. The use of word "may" clearly indicate that the author is at the discretionary liberty to apply for registration of Copyrights.

An artistic work which is used or is capable of being used in relation to any goods or services, the application shall include a statement to that effect and shall be accompanied by a certificate from the Registrar of Trade Marks referred to in section 3 of the Trade Marks Act, 1999 to the effect that no trade mark identical with or deceptively similar to such artistic work has been registered under that Act in the name of, or that no application has been made under that Act for such registration by, any person other than the applicant.

On receipt of an application in respect of any work, the Registrar of Copyrights may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights.

### Registrar of Copyrights Possess Certain Powers of Civil Courts

The Register of Copyrights is to be maintained by the Copyright Office to enter the names or titles of works and the names and addresses of authors, publishers and owners of copyright.

The Registrar of Copyrights shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely, —

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) requisitioning any public record or copy thereof from any court or office;
- (f) any other matter which may be prescribed.

***In Sanjay Soya Private Ltd. vs. Narayani Trading Company IA (L) 5011/2020 in COMP (L) 2/2020 the Bombay High Court ruled that no section of the Act requires registration of copyright before requesting relief under the Act. Instead, it is up to the owner's choice whether to register copyright under the Act. The Convention and the TRIPS Agreement were also cited by the court to buttress its ruling. Registration just establishes a presumption of validity for information placed in the Copyright register. The word "may" is used in Section 45(1) of the Act, which deals with entries in the register of copyrights, and Section 51 states that infringement is not limited to the registered Work. Protection should be "automatic" as soon as the Work is created.***

### The Procedure for Registration

The Copyright Office has been set up to provide registration facilities to all types of works and is headed by a Registrar of Copyrights. The applications are also accepted by post. On-line registration through "E-filing facility" has also been provided which facilitates the applicants to file applications at the time and place chosen by them.

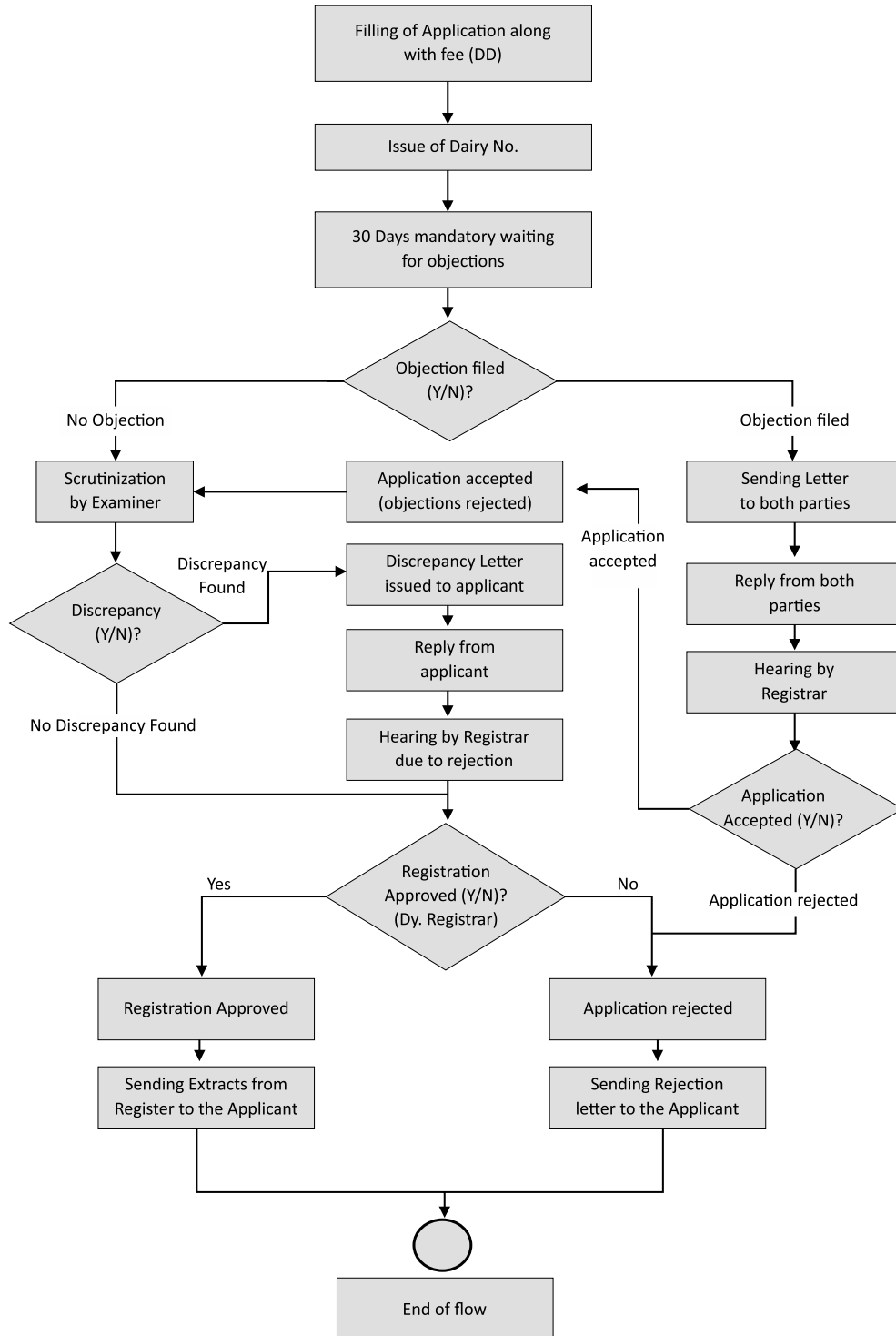
Chapter XIII of the Copyright Rules, 2013, as amended, sets out the procedure for the registration of a work.

The procedure for registration is as follows:

- Application for registration is to be made on specified Form (Including Statement of Particulars and Statement of Further Particulars);
- Separate applications should be made for registration of each work;
- Each application should be accompanied by the requisite fee prescribed in the second schedule to the Rules;
- The applications should be signed by the applicant. The Power of Attorney signed by the party and accepted by the advocate should also be enclosed, if applicable;

- The fee is to be paid either in the form of Demand Draft or Indian Postal Order or through E payment Each and every column of the Statement of Particulars and Statement of Further Particulars should be replied specifically.

**Copyright Registration Workflow**



Source: <https://copyright.gov.in/frmWorkFlow.aspx>

## INFRINGEMENT OF COPYRIGHT

**Copyright infringement refers to the unauthorized use of someone's copyrighted work. Thus, it is the use of someone's copyrighted work without permission thereby infringing certain rights of the copyright holder, such as the right to reproduce, distribute, display or perform the protected work. Copyright protection gives exclusive rights to the owners of the work to reproduce the work enabling them to derive financial benefits by exercising such rights. If any person without authorisation from the owner exercises these rights in respect of the work which has copyright protection it constitutes an infringement of the copyright. If the reproduction of the work is carried out after the expiry of the copyright term it will not amount to an infringement.**

Section 51(a) of the Act contemplates situation in which a copyright shall be deemed to be infringed. This Section says that a copyright is infringed when any person without a licence granted by the owner of the copyright or the Registrar of Copyright or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority:

- (i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or
- (ii) permits for profit any place to be used for the communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be an infringement of copyright; or

Section 51(b) when any person (i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or (ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or (iii) by way of trade exhibits in public, or (iv) imports into India, any infringing copies of the work.

It may be noted that Section 51(b) (iv) i.e., imports into India shall apply to the import of one copy of any work for the private and domestic use of the importer.

Explanation: For the purposes of section 51, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an "infringing copy".

It may be noted that "Infringing copy" means,-

- (i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematographic film;
- (ii) in relation to a cinematographic film, a copy of the film made on any medium by any means;
- (iii) in relation to a sound recording, any other recording embodying the same sound recording, made by any means;
- (iv) in relation to a programme or performance in which such a broadcast reproduction right or a performer's right subsists under the provisions of this Act, the sound recording or a cinematographic film of such programme or performance, if such reproduction, copy or sound recording is made or imported in contravention of the provisions of this Act.

**Which are the Common Copyright Infringements?**

**The following are some of the commonly known acts involving infringement of copyright:**

- **Making infringing copies for sale or hire or selling or letting them for hire;**
- **Permitting any place for the performance of works in public where such performance constitutes infringement of copyright;**
- **Distributing infringing copies for the purpose of trade or to such an extent so as to affect prejudicially the interest of the owner of copyright;**
- **Public exhibition of infringing copies by way of trade; and**
- **Importation of infringing copies into India.**

***In the case of S.K. Dutt vs. Law Book Co. AIR 1954 All 570, the Hon'ble Court held that in infringement of copyright the onus of proof is on plaintiff to satisfy the court that the defendant had infringed his copyright. The plaintiff having failed to establish any infringement of his copyright, no question of granting any relief to the plaintiff could arise. It may here be noted, however, that there was on behalf of the plaintiff, no evidence to indicate what damage, if any, accrued to him, assuming that there was an infringement of his copyright by the defendants.***

**Statutory Exceptions-Certain acts not to be Infringement of Copyright**

Certain exceptions to infringement have been stipulated by the Copyright Act. The object of these exceptions is to enable the reproduction of the work for certain public purposes, and for encouragement of private study, research and promotion of education. The list of acts which do not constitute infringement of copyright has been provided under Section 52 of the Act. These includes:

- (i) A fair dealing with any work, not being a computer programme, for the purposes of–
  - private or personal use, including research;
  - criticism or review, whether of that work or of any other work;
  - reporting of current events and current affairs, including the reporting of a lecture delivered in public.

It may be noted that storing of any work in any electronic medium including the incidental storage of any computer programme which is not itself an infringing copy for the said purposes, shall not constitute infringement of copyright.

- (ii) The making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme, from such copy in order to utilise the computer programme for the purposes for which it was supplied; or to make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilise the computer programme for the purpose for which it was supplied.
- (iii) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available.
- (iv) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied.

- (v) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use.
- (vi) the transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public.
- (vii) transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy.

It may be noted that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such access for a period of twenty-one days or till he receives an order from the competent court refraining from facilitating access and in case no such order is received before the expiry of such period of twenty-one days, he may continue to provide the facility of such access.

- (viii) the reproduction of any work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding.
- (ix) the reproduction or publication of any work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature.
- (x) the reproduction of any work in a certified copy made or supplied in accordance with any law for the time being in force.
- (xi) the reading or recitation in public of reasonable extracts from a published literary or dramatic work.
- (xii) the publication in a collection, mainly composed of non-copyright matter, bona fide intended for instructional use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for such use in which copyright subsists. However, not more than two such passages from works by the same author are published by the same publisher during any period of five years.

In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person.

- (xiii) the reproduction of any work—
  - by a teacher or a pupil in the course of instruction; or
  - as part of the questions to be answered in an examination; or
  - in answers to such questions.
- (xiv) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a sound recording if the audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording.
- (xv) the causing of a recording to be heard in public by utilising it,-
  - in an enclosed room or hall meant for the common use of residents in any residential premises (not

being a hotel or similar commercial establishment) as part of the amenities provided exclusively or mainly for residents therein; or

- as part of the activities of a club or similar organisation which is not established or conducted for profit;
  - as part of the activities of a club, society or other organisation which is not established or conducted for profit.
- (xvi) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution.
- (xvii) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction.
- (xviii) the storing of a work in any medium by electronic means by a noncommercial public library, for preservation if the library already possesses a non-digital copy of the work.
- (xix) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a non-commercial public library for the use of the library if such book is not available for sale in India.
- (xx) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access.

However, where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than sixty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last.

- (xxi) the reproduction or publication of-
- any matter which has been published in any Official Gazette except an Act of a Legislature;
  - any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;
  - the report of any committee, commission, council, board or other like body appointed by the Government if such report has been laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;
  - any judgement or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be.
- (xxii) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder-
- if no translation of such Act or rules or orders in that language has previously been produced or published by the Government; or
  - where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public;

- however, such translation contains a statement at a prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government.
- (xxiii) the making or publishing of a painting, drawing, engraving or photograph of a work of architecture or the display of a work of architecture.
- (xxiv) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work failing under sub-clause (iii) of clause (c) of section 2, if such work is permanently situate in a public place or any premises to which the public has access.
- (xxv) the inclusion in a cinematograph film of-
- any artistic work permanently situate in a public place or any premises to which the public has access; or
  - any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film.
- (xxvi) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work. However, he does not thereby repeat or imitate the main design of the work.
- (xxvii) the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device.
- (xxviii) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed . However, the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans.
- (xxix) in relation to a literary, “dramatic, artistic or” musical work recorded or reproduced in any cinematograph film the exhibition of such film after the expiration of the term of copyright therein .However, the provisions of sub-clause (ii) of clause (a), sub-clause (a) of clause (b) and clauses (d), (f), (g), (m) and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment-
- identifying the work by its title or other description; and
  - unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgement of his name should be made, also identifying the author.
- (xxx) the making of an ephemeral recording, by a broadcasting organisation using its own facilities for its own broadcast by a broadcasting organisation of a work which it has the right to broadcast; and the retention of such recording for archival purposes on the ground of its exceptional documentary character.
- (xxxi) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any *bona fide* religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority. However, religious ceremony including a marriage procession and other social festivities associated with a marriage.
- (xxxii) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format by any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons. However, the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production and the organization shall ensure that the copies of works in such

accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

It may be noted that “any organization” includes and organization registered under section 12A of the Income-tax Act, 1961 and working for the benefit of persons with disability or recognized under Chapter X of the Persons with Disabilities (Equal Opportunities, Protection or Rights and full Participation) Act, 1995 or receiving grants from the government for facilitating access to persons with disabilities or an educational institution or library or archives recognized by the Government.

(xxxiii) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or explanatory material, that is purely incidental to other goods or products being imported lawfully.

In the *Chancellor, Masters and Scholars of the University of Oxford and Ors. vs. Rameshwari Photocopy Services and Ors.* (16.09.2016 - DELHC) : CS(OS) 2439/2012, I.A. Nos. 14632/2012, 430 and 3455/2013, in this case, the plaintiffs instituted this suit for the relief of permanent injunction restraining the two defendants from infringing the copyright of the plaintiffs in their publications by photocopying, reproduction and distribution of copies of plaintiffs’ publications on a large scale and circulating the same and by sale of unauthorised compilations of substantial extracts from the plaintiffs’ publications by compiling them into course packs/anthologies for sale. Court inter alia held that -

*“Copyright, specially in literary works, is thus not an inevitable, divine, or natural right that confers on authors the absolute ownership of their creations. It is designed rather to stimulate activity and progress in the arts for the intellectual enrichment of the public. Copyright is intended to increase and not to impede the harvest of knowledge. It is intended to motivate the creative activity of authors and inventors in order to benefit the public....*

*Applying the tests as aforesaid laid down by the Courts of (i) integral part of continuous flow; (ii) connected relation; (iii) incidental; (iv) causal relationship; (v) during (in the course of time, as time goes by); (vi) while doing; (vii) continuous progress from one point to the next in time and space; and, (viii) in the path in which anything moves, it has to be held that the words “in the course of instruction” within the meaning of Section 52(1)(i) supra would include reproduction of any work while the process of imparting instruction by the teacher and receiving instruction by the pupil continues i.e. during the entire academic session for which the pupil is under the tutelage of the teacher and that imparting and receiving of instruction is not limited to personal interface between teacher and pupil but is a process commencing from the teacher readying herself/himself for imparting instruction, setting syllabus, prescribing text books, readings and ensuring, whether by interface in classroom/tutorials or otherwise by holding tests from time to time or clarifying doubts of students, that the pupil stands instructed in what he/she has approached the teacher to learn. Similarly the words “in the course of instruction”, even if the word “instruction” have to be given the same meaning as ‘lecture’, have to include within their ambit the prescription of syllabus the preparation of which both the teacher and the pupil are required to do before the lecture and the studies which the pupils are to do post lecture and so that the teachers can reproduce the work as part of the question and the pupils can answer the questions by reproducing the work, in an examination. Resultantly, reproduction of any copyrighted work by the teacher for the purpose of imparting instruction to the pupil as prescribed in the syllabus during the academic year would be within the meaning of Section 52(1)(i) of the Act.*

*I thus conclude that the action of the defendant No. 2 University of making a master photocopy of the relevant portions (prescribed in syllabus) of the books of the plaintiffs purchased by the defendant No. 2 University and kept in its library and making further photocopies out of the said master copy and distributing the same to the students does not constitute infringement of copyright in the said books under the Copyright Act.”*

**Eastern Book Company and Ors. v. D.B. Modak**, (2008) 1 SCC 1, the Court reiterated that one of the key requirements of copyright law was that of originality, which contributes to and has a direct nexus in maintaining the interest of the author as well as that of the public. In relation to the classic issue of the idea-expression dichotomy, the Court observed as under:

**“25.** *The present case raises the classic issue concerning the idea-expression dichotomy. The settled legal position as per the law enunciated above is that no copyright can be claimed in an idea. However, the expression of any idea cannot be imitated or copied, and if expression is copied, the same would constitute infringement of the copyright under Section 51 of the Copyright Act, 1957.*

The decision in *Eastern Book Company and Ors. v. D.B. Modak, (2008) 1 SCC 1*, is also landmark on this subject. The issue before the Hon’ble Supreme Court was whether the law reports “*Supreme Court Cases*” which required the preparation of head notes, involved skill, labour, and expertise and therefore, constituted an original literary work and whether the respondents copied the same in their legal search software. In dealing with this, the Hon’ble Supreme Court reiterated the law on the subject in the following paras:

**“57.** *The Copyright Act is not concerned with the original idea but with the expression of thought. Copyright has nothing to do with originality or literary merit. Copyrighted material is that what is created by the author by his own skill, labour and investment of capital, maybe it is a derivative work which gives a flavour of creativity. The copyright work which comes into being should be original in the sense that by virtue of selection, coordination or arrangement of pre-existing data contained in the work, a work somewhat different in character is produced by the author. On the face of the provisions of the Copyright Act, 1957, we think that the principle laid down by the Canadian Court would be applicable in copyright of the judgments of the Apex Court. We make it clear that the decision of ours would be confined to the judgments of the courts which are in the public domain as by virtue of Section 52 of the Act there is no copyright in the original text of the judgments. To claim copyright in a compilation, the author must produce the material with exercise of his skill and judgment which may not be creativity in the sense that it is novel or non-obvious, but at the same time it is not a product of merely labour and capital. The derivative work produced by the author must have some distinguishable features and flavour to raw text of the judgments delivered by the court. The trivial variation or inputs put in the judgment would not satisfy the test of copyright of an author.*

....

**59.** *The aforesaid inputs put by the appellants in the judgments would have had a copyright had we accepted the principle that anyone who by his or her own skill and labour creates an original work of whatever character, shall enjoy an exclusive right to copy that work and no one else would be permitted to reap the crop what the copyright owner had sown. No doubt the appellants have collected the material and improved the readability of the judgment by putting inputs in the original text of the judgment by considerable labour and arranged it in their own style, but that does not give the flavour of minimum requirement of creativity. The exercise of the skill and judgment required to produce the work is trivial and is on account of the labour and the capital invested and could be characterised as purely a work which has been brought about by putting some amount of labour by the appellants.*

**60.** *Although for establishing a copyright, the creativity standard applies is not that something must be novel or non-obvious, but some amount of creativity in the work to claim a copyright is required. It does require a minimal degree of creativity. Arrangement of the facts or data or the case law is already included in the judgment of the Court. Therefore, creativity of SCC would only be addition of certain facts or material already published, case law published in another law report and its own arrangement and presentation of the judgment of the Court in its own style to make it more user-friendly. The selection and arrangement can be viewed as typical and at best result of the labour, skill and investment of capital lacking even minimal creativity. It does not as a whole display sufficient originality so as to amount to an original work of the author. To support copyright, there must be some substantive variation and not merely a trivial variation, not the variation of the type where limited ways/unique of expression are available and an author selects one of them which can be said to be a garden variety. Novelty or invention or innovative idea is not the requirement for protection of copyright but it does require minimal degree of creativity. In our view, the aforesaid inputs put by the appellants in the copy-edited judgments do not touch the standard of creativity required for the copyright.”*

### Remedies against Infringement of Copyright

Section 54 defines the term “owner of copyright” shall include:

- (a) an exclusive licensee;
- (b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of an anonymous work of joint authorship, or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise establishment to the satisfaction of the Commercial Court by that author or his legal representatives.

Section 55 provides for the civil remedies for infringement of copyright and entitles the owner of the copyright to all such remedies by way of injunction, damages, accounts and otherwise as may be conferred by law for the infringement of copyright. Section 58 entitles the owner of the copyright to initiate proceedings for the possession of infringing copies and other materials related thereto. In this context, the section clarifies that all infringing copies of any work in which copyright subsists and all plates used or intended to be used for the production of such infringing copies shall be deemed to be the property of the owner of the copyright.

***The Copyright law in India provided for remedies to be made available to the author against a copyright infringer. The Copyright Act, 1957 provides to an author both Civil, Criminal and border enforcement remedies. They are:***

- ***Civil Remedies: provide for injunctions, damages, interpretation of accounts, delivery and destruction of infringing copies and damages for conversion.***
- ***Criminal Remedies: provide for imprisonment, fines, seizures of infringing copies and delivery of infringing copies to the owner.***
- ***Border Enforcement: also provides for prohibition of import and destruction of any imported goods that infringe the copyright of a person with the assistance of the customs authorities of India.***

### Protection of Right of Management Information

As per section 65B any person, who knowingly removes or alters any rights management information without authority, or distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

It may be noted that “Rights Management Information” means,—

- (a) the title or other information identifying the work or performance;
- (b) the name of the author or performer;
- (c) the name and address of the owner of rights;
- (d) terms and conditions regarding the use of the rights; and
- (e) any number or code that represents the information referred to in sub-clauses (a) to (d), but does not include any device or procedure intended to identify the user.

## OFFENCES & PENALTIES

Chapter XIII of the Act containing Sections 63-70 deal with offences and penalties. Section 63 deals with offences of infringement of copyright or other rights conferred by the Copyright Act, 1957. This section makes, any person who knowingly infringes or abates the infringement of the copyright in a work or any other right conferred under the Act (except for resale share right in original copies), liable to imprisonment for a minimum period of six months which may extend to three years and with minimum fine of fifty thousand rupees which may extend upto rupees two lakhs. However, the court has been empowered to impose a sentence less than six months or a fine less than fifty thousand, if the infringement had not been made for gain in the course of trade or business. In such situations, the section requires the courts to mention adequate and special reasons in the judgement. Section 63 criminalises the infringement of copyright and other associated rights conferred by the Copyright Act except for the right to resale share in original copies under section 53 A. It prescribes imprisonment for a term not less than 6 months which may extend up to 3 years and with a fine, not less than fifty thousand rupees which may extend to two lakh rupees.

According to section 63, any person who knowingly infringes or even abets the infringement of the copyright in a work or any other rights conferred by the Copyright Act except the **right to resale share in original copies** commits the offence of copyright.

*In the case of Jitendra Prasad Singh vs. State of Assam (2003) 26 PTC 486 GAU, the Hon'ble Gauhati High Court held that the phrase "punishable with imprisonment for a term, which may extend to three years" will mean that the imprisonment can be for a term as long as three years, but the expression, "punishable with imprisonment for less than three years" will mean that the imprisonment can be for a term less than three years. Therefore, offences under Section 63 of the Act are non-bailable in nature, and as such an application for anticipatory bail will be maintainable.*

*M/s Knit Pro International vs. the State of NCT of Delhi & Anr. (Criminal Appeal No. 807 of 2022) the Hon'ble Supreme Court of India Judgement dated May 20, 2022 inter alia observed that thus, for the offence under Section 63 of the Copyright Act, the punishment provided is imprisonment for a term which shall not be less than six months but which may extend to three years and with fine. Therefore, the maximum punishment which can be imposed would be three years. Therefore, the learned Magistrate may sentence the accused for a period of three years also. In that view of the matter considering Part II of the First Schedule of the Cr.P.C., if the offence is punishable with imprisonment for three years and onwards but not more than seven years the offence is a cognizable offence. Only in a case where the offence is punishable for imprisonment for less than three years or with fine only the offence can be said to be non-cognizable. In view of the above clear position of law, the decision in the case of Rakesh Kumar Paul (supra) relied upon by learned counsel appearing on behalf of respondent no.2 shall not be applicable to the facts of the case on hand. The language of the provision in Part II of First Schedule is very clear and there is no ambiguity whatsoever.*

*Under the circumstances the High Court has committed a grave error in holding that the offence under Section 63 of the Copyright Act is a non-cognizable offence. Thereby the High Court has committed a grave error in quashing and setting aside the criminal proceedings and the FIR. Therefore, the impugned judgment and order passed by the High Court quashing and setting aside the criminal proceedings/FIR under Section 63 of the Copyright Act deserves to be quashed and set aside.*

*In view of the above discussion and for the reason stated above, it is observed and held that offence under Section 63 of the Copyright Act is a cognizable and non-bailable offence. Consequently, the impugned judgment and order passed by the High Court taking a contrary view is hereby quashed and set aside and the criminal proceedings against respondent No.2 for the offence under Sections 63 & 64 of the Copyright Act now shall be proceeded further in accordance with law and on its own merits treating the same as a cognizable and non-bailable offence.*

### Power of Police to Seize Infringing Copies

Section 64 of the Act empowers any Police Officer, not below the rank of a sub-inspector, to seize without warrant, all copies of the work and all plates used for the purpose of making infringing copies of the work, wherever they are found. However such Police Officer has to satisfy himself before such seizure, that an offence under Section 63 in respect of the infringement of copyright in any work has been, is being or is likely to be committed. Further, such Police Officer has been put under obligation to produce before the Magistrate, as soon as practicable, all copies and plates so seized. Any interested person may make an application to Magistrate, within fifteen days of such seizure, for restoring to him such copies and plates. Section 65 makes liable, any person, who knowingly makes or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists, to imprisonment which may extend to two years and also fine.

#### LESSON ROUND-UP

- Copyright is a well-recognized form of property right which had its roots in the common law system and subsequently came to be governed by the national laws in each country. In India, the law relating to copyright is governed by the Copyright Act, 1957.
- Copyright ensures certain minimum safeguards of the rights of authors over their creations.
- Literary, dramatic, musical or artistic works enjoy copyright protection for the life time of the author plus 60 years beyond i.e. 60 years after his death. In the case of joint authorship which implies collaboration of two or more authors in the production of the work, the term of copyright is to be construed as a reference to the author who dies last.
- The Act is amended in 2012 with the object of making certain changes for clarity, to remove operational difficulties and also to address certain newer issues that have emerged in the context of digital technologies and the Internet.
- Section 18 of the Copyright Act provides for the assignment of copyright in an existing work as well as future work. In both the cases an assignment may be made of the copyright either wholly or partially and generally or subject to limitations and that too for the whole period of copyright or part thereof.
- Copyright protection gives exclusive rights to the owners of the work to reproduce the work enabling them to derive financial benefits by exercising such rights. If any person without authorisation from the owner exercises these rights in respect of the work which has copyright protection it constitutes an infringement of the copyright.
- Certain exceptions to infringement have been stipulated by the Copyright Act. The object of these exceptions is to enable the reproduction of the work for certain public purposes, and for encouragement of private study, research and promotion of education.
- The Copyright Act provides for the civil remedies for infringement of copyright and entitles the owner of the copyright to all such remedies by way of injunction, damages, and accounts.

#### TEST YOURSELF

*(These are meant for re-capitulation only. Answers to these questions are not to be submitted for evaluation.)*

1. Briefly explain the concept of copyright.

2. Discuss in detail the Copyright Society.
3. Discuss in detail the provisions relating to infringement of copyright.
4. Write short note on the following:
  - (i) Government work.
  - (ii) Term of Copyright.
5. Elaborate the provisions relating to certain exception to infringement have been stipulated by the Copyright Act.

<b>LIST OF FURTHER READINGS</b>
<ul style="list-style-type: none"> <li>● Bare Act - Copyright Act, 1957 and rules made thereunder</li> <li>● Copyright Law – Central Law Publications</li> </ul>

<b>OTHER REFERENCES (INCLUDING WEBSITES / VIDEO LINKS)</b>
<ul style="list-style-type: none"> <li>● <a href="https://copyright.gov.in/">https://copyright.gov.in/</a></li> </ul>

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