

COPYRIGHT LAWS IN INDIA

The Copyright laws gained its recognition during 15th century under British Empire. Thereafter, the Copyright Act amended from time to time.

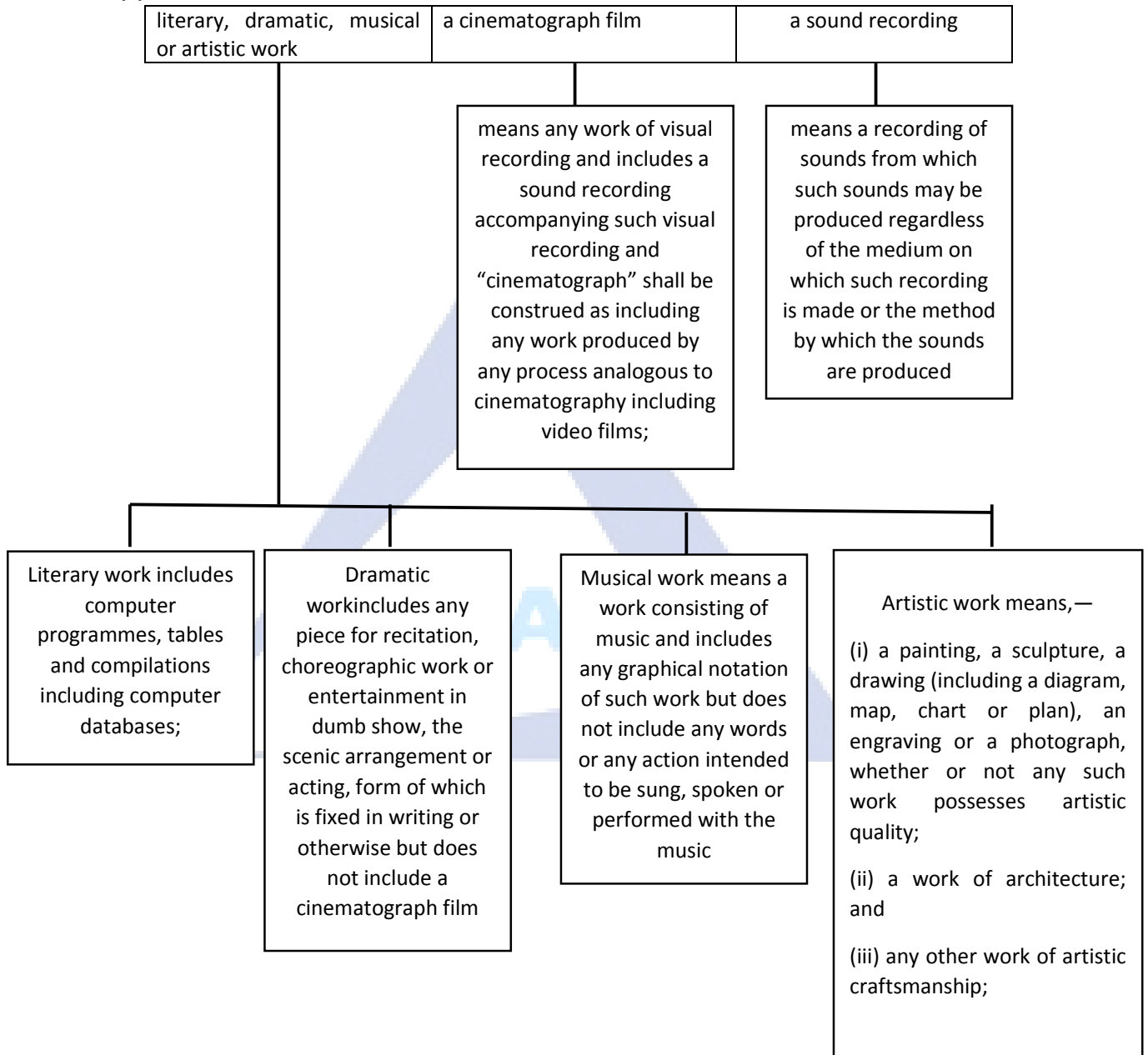
Copyright Act is the right given to creators or originators by law to safeguard their work.

The Copyright Act, 1957 (the 'Act') came into effect from January 1958. The Act has been amended five times since then, i.e., in 1983, 1984, 1992, 1994, 1999 and 2012. The Copyright (Amendment) Act, 2012 is the most substantial. The main reasons for amendments to the Copyright Act, 1957 include to bring the Act in conformity with two WIPO internet treaties concluded in 1996 namely, the WIPO Copyright Treaty ("WCT") and WIPO Performances and Phonograms Treaty ("WPPT"); to protect the Music and Film Industry and address its concerns; to address the concerns of the physically disabled and to protect the interests of the author of any work; Incidental changes; to remove operational facilities; and enforcement of rights. Some of the important amendments to the Copyright Act in 2012 are extension of copyright protection in the digital environment such as penalties for circumvention of technological protection measures and rights management information, and liability of internet service provider and introduction of statutory licenses for cover versions and broadcasting organizations; ensuring right to receive royalties for authors, and music composers, exclusive economic and moral rights to performers, equal membership rights in copyright societies for authors and other right owners and exception of copyrights for physically disabled to access any works.



IMPORTANT TERMS UNDER COPYRIGHT:

(a) WORK:



(b) AUTHOR:

In relation to literary or dramatic work	the author of the work
in relation to a musical work	the composer
in relation to an artistic work other than a photograph	the artist

in relation to a photograph	the person taking the photograph
in relation to a cinematograph film or sound recording	the producer
in relation to any literary, dramatic, musical or artistic work which is computer-generated	the person who causes the work to be created

(c) PUBLICATION:

It means making a work available to the public by issue of copies or by communicating the work to the public.

(d) COPYRIGHT:

“copyright” means the exclusive right subject to the provisions of this Act, to do or authorise the doing of any of the following acts in respect of a work or any substantial part thereof, namely:—

in the case of a literary, dramatic or musical work, not being a computer programme	to reproduce the work in any material form including the storing of it in any medium by electronic means;
	to issue copies of the work to the public not being copies already in circulation;
	to perform the work in public, or communicate it to the public;
	to make any cinematograph film or sound recording in respect of the work;
	to make any translation of the work;
	to make any adaptation of the work
	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)
in the case of a computer programme [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]	to reproduce the work in any material form including the storing of it in any medium by electronic means;
	to issue copies of the work to the public not being copies already in circulation;
	to perform the work in public, or communicate it to the public;
	to make any cinematograph film or sound recording in respect of the work;
	to make any translation of the work;
	to make any adaptation of the work
	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)
in the case of an artistic work	to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme:
	to reproduce the work in any material form including— (A) the storing of it in any medium by

	<p>electronic or other means; or (B) depiction in three-dimensions of a two-dimensional work; or (C) depiction in two-dimensions of a three-dimensional work;</p> <p>to communicate the work to the public</p> <p>to issue copies of the work to the public not being copies already in circulation</p> <p>to include the work in any cinematograph film</p> <p>to make any adaptation of the work</p> <p>to do in relation to adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (iv)</p>
in the case of a cinematograph film	<p>to make a copy of the film, including— (A) a photograph of any image forming part thereof; or (B) storing of it in any medium by electronic or other means;</p> <p>to sell or give on commercial rental or offer for sale or for such rental, any copy of the film</p> <p>to communicate the film to the public</p>
in the case of a sound recording	<p>to make any other sound recording embodying it including storing of it in any medium by electronic or other means;</p> <p>to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording;</p> <p>to communicate the sound recording to the public.</p>

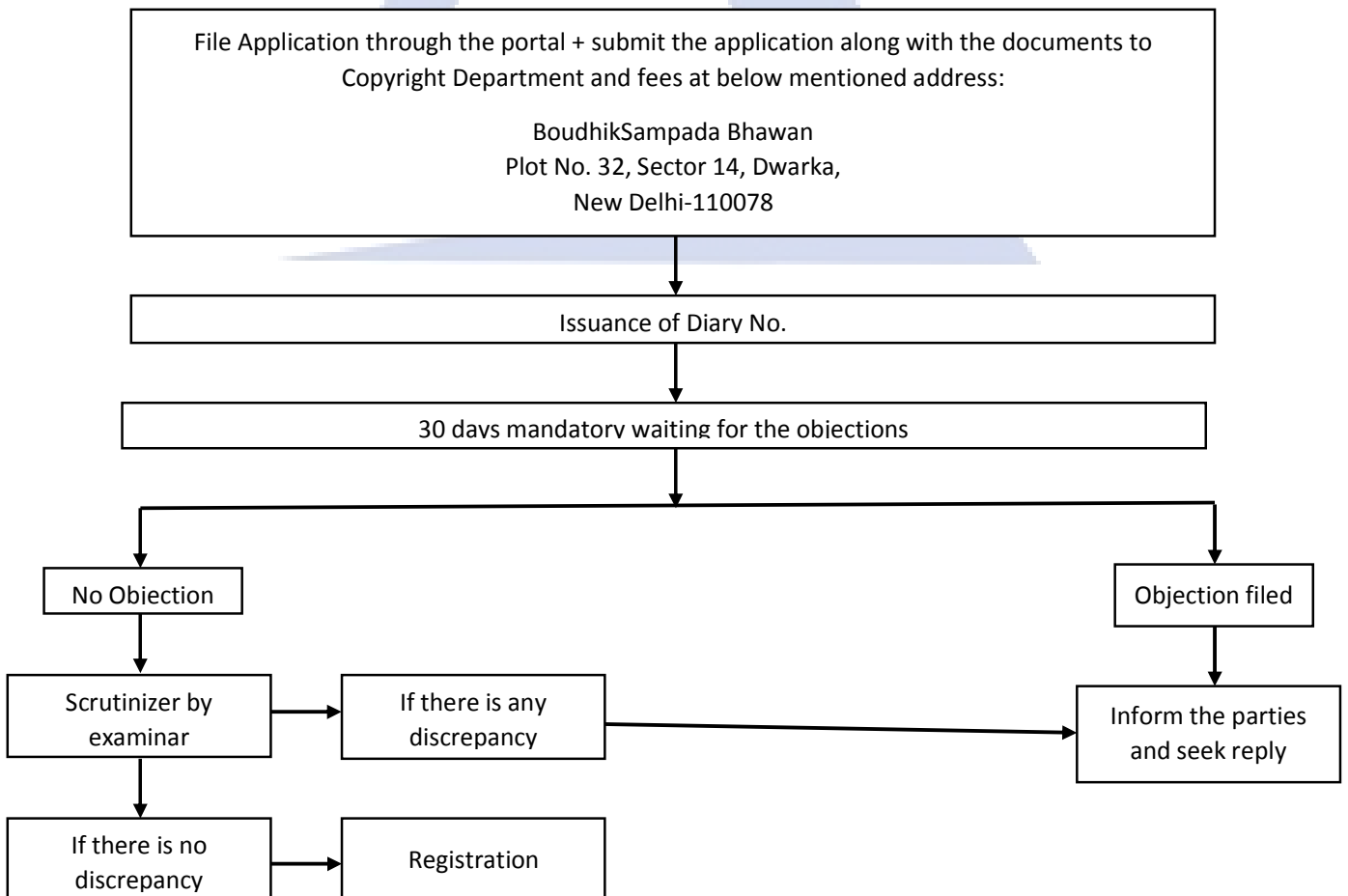
(e) TERM OF COPYRIGHT

Chapter V of the Copyright Act, 1957 states about the term of copyright in case of different works.

	Term of Copyright
Term of copyright in published literary, dramatic, musical and artistic works.	lifetime of the author until sixty years from the beginning of the calendar year next following the year in which the author dies.
Term of copyright in anonymous and pseudonymous works.	copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published
Term of copyright in posthumous work	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
Term of copyright in cinematograph films	copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the film is published
Term of copyright in 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
Term of copyright in Government works	copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published
Term of copyright in works of public undertakings	copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published
Term of copyright in works of international organisations	copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published

PROCEDURE



CONCLUSION:

THIS ARTICLE CONTAINS THE TYPE OF WORK UNDER COPYRIGHT, MEANING OF COPYRIGHT AND THE PROCEDURE OF COPYRIGHT. INFRINGEMENT OF COPYRIGHT WILL BE COVERED UNDER ANOTHER ARTICLE ALONG WITH SOME CASE LAWS AND OTHER FACTS.

DISCLAIMER:

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