

Intellectual Property Rights
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Lecture – 50
Copyrights of India

(Refer Slide Time: 00:15)



We just saw the introduction to copyright and how it originated and evolved over a period of time. Now let us look at Copyright protection in India.


(Refer Slide Time: 00:25)



In India initially we had the Indian copyrights act in 1914 which was brought in by the Britishers and post independence we had the copyright Act of 1957. The copyright act of 1957 consolidates the law on copyright in India and it incorporates provisions of the bond convention.

We have an amendment in 2012 the copyright amendment Act, 2012 which was a recent amendment, which incorporated various new developments in copyright law it seeks to balance the rights of the author's, right holders and the users. So, there is a balance that we were talking about that is expressly mentioned in the amendment, it also has provisions on performer's rights and a provision to facilitate access to works by means of compulsory licences.

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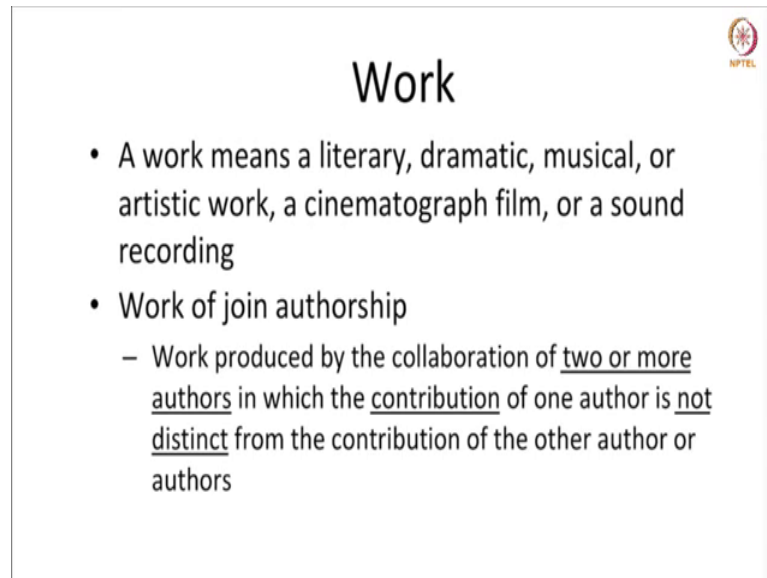


Fundamentals

- Jurisdiction
 - Extends to whole of India
- Term
 - For most works, life of author + 60 years
- Rights of a copyright holder
 - Exclusive rights to print, publish, sell copies of work

The jurisdiction of the copyright act it extends to the whole of India, the term of copyright foremost works is life of the author plus 60 years, the year in which the author dies there is another 60 years of protection. So, you can say that the term of the copyright is also dependent on the life of the author, the copyright holder has the right to print publish sell copies of the work.

(Refer Slide Time: 01:51)



Work

- A work means a literary, dramatic, musical, or artistic work, a cinematograph film, or a sound recording
- Work of joint authorship
 - Work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors

Work as we already mentioned is defined to mean a literary, dramatic, musical or artistic work it includes a cinematograph film or a sound recording. Works can be either created separately or jointly, a work of joint authorship is defined as a work produced by the collaboration of two or more authors, in which the contribution of one author is not distinct from the contribution of other authors. For example, the music that is played by three musicians using different 3 different instrument instruments at the same time. Now the work is a work of joint authorship because, there is you cannot distinguish or you cannot separate the work of one author from the others.

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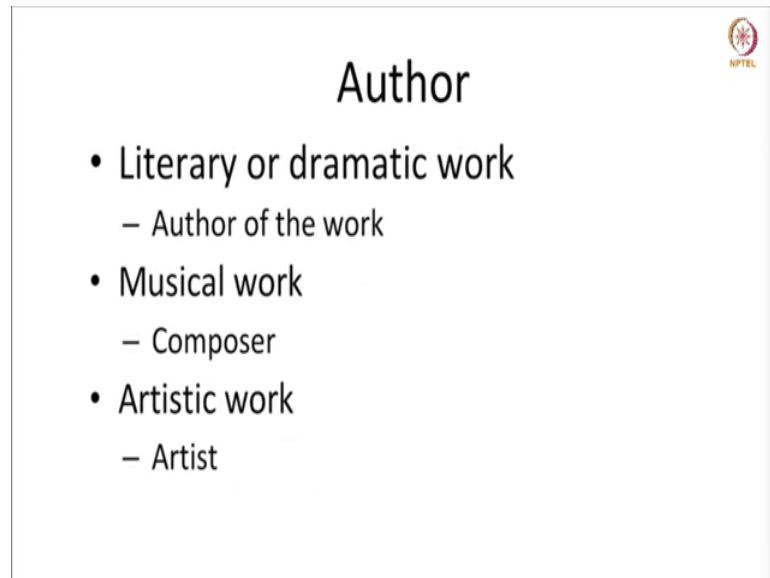


Works Protected by Copyrights

- Original literary, dramatic, musical, and artistic work
- Cinematograph films
- Sound recording
- Other conditions
 - Work first published in India
 - Author citizen of India

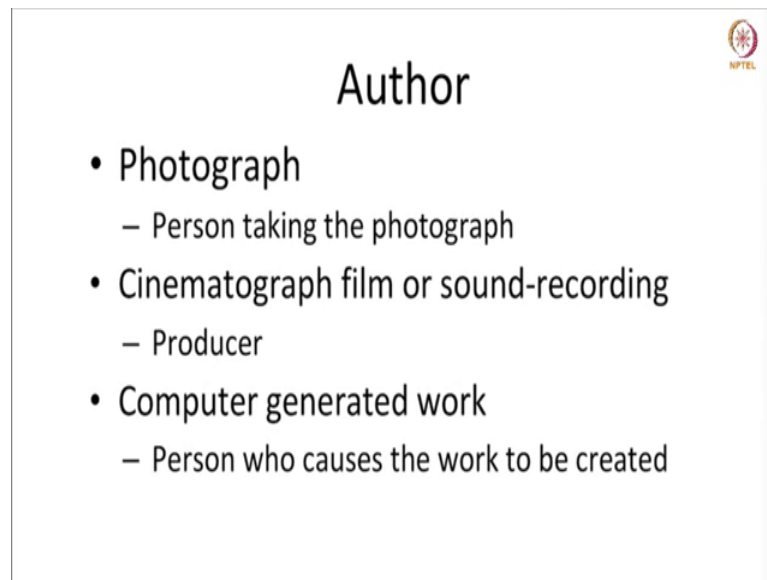
Works protected by copyright include original literary works, dramatic works, musical works and artistic works, it includes cinematograph films, it includes sound recordings. It also protects certain works in other conditions for instant example the work was first published in India, can be protected in India and if the author is a citizen of India the work can be protected in India as well.

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The term author refers to the author of a work when it comes to literary automatic work, for a musical work author refers to the composer and for an artistic work the word author refers to the artist. So, author by author we mean the person who creates the work.

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Author

- Photograph
 - Person taking the photograph
- Cinematograph film or sound-recording
 - Producer
- Computer generated work
 - Person who causes the work to be created

For a photograph it is the person who takes the photograph for a cinematograph film or sound recording it is the producer, who produces the cinematograph film or the sound recording. For computer generated work it is the person who causes the work to be created, so again it is tied to the creation of the work.