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Copyright laws in India

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Introduction

The copyright law acts as a major protector of the creative and intellectual work put in by authors, artists, musicians, film makers, software developers, and many more like them. In India, the copyright protection system is based on the Copyright Act, 1957, with an aim to protect all original literary, dramatic, musical, and artistic works. With the development of technology and internet in the world, copyright laws have gained more importance to find a balance between the interest of the creators and the interest of the general public.

India, being a signatory to various international conventions, including that of the World Intellectual Property Organization and the Berne Convention for the Protection of Literary and Artistic Works, has incorporated the copyright laws with global standards.

"Copyright" implies a set of exclusive legal rights that the copyright owner is conferred with under Section 13 of the Copyright Act. This includes the right to copy, publish, communicate, adapt, translate, and reproduce the work.

Meaning and Scope of Copyright

Copyright law in India is wide in its ambit and applies to published as well as unpublished works. Copyright exists automatically from the moment an original work is created and does not have mandatory registration. Registration of the copyrighted work serves as prima facie evidence in court.

The copyright holder is vested with economic and moral rights under the Act. Economic rights allow him/her to exploit the work economically while moral rights are used for the protection of his/her reputation. The right of authorship and the right to prevent any distortion or mutilation of his/her work is conferred under Section 57 of the Act¹.

Copyright typically runs during the lifetime of the author plus sixty years after the death in respect of literary, dramatic, musical, and artistic works. For cinematograph films and sound recordings, the period of copyright is sixty years from the date of publication.

Salient Features of Copyright Laws in India

1. Copyright act covers different types of work which includes literary work, dramatic work, musical work, films, sound recordings and artistic work.
2. The works receive an automatic protection under the act once a work is created, the work does not require mandatory registration. The registration of the work serves as the evidence in future.
3. Act also provides economic and moral rights, not only it protects financial interests it also protects the personal bond between the authors and their works.
4. Act has international alignment through few amendments. The act has harmonized with global treaties such as TRIPS, Berne Convention, and WIPO treaties.
5. The act also contains civil and criminal remedies, institutional mechanisms (Copyright Office), and fair dealing exceptions.

Copyright Infringement

Copyright infringement means any act that involves the exploitation of the copyrighted material without the permission of the copyright holder. The exclusive rights of the copyright holder are conferred by Section 14 of the Copyright Act, 1957, which includes the rights of reproduction, distribution, adaptation, translation, performance, and communication to the public.

Infringement is of two types which is either direct or indirect. Direct infringement is when there is unauthorized copying and indirect infringement includes contributing to the infringement.

¹ Copyright Act, No. 14 of 1957, § 57, Acts of Parliament, 1957 (India).

Remedies available for copyright Infringement: there are two types of remedies civil and criminal, they are as follows:

Civil remedies: Civil Remedies The civil remedies available under Section 55 are Injunction to prevent future infringement, Damages or account of profits, Delivery of infringing copies for destruction. Injunction is the most potent remedy, particularly in cases involving continuing infringement.

Criminal Remedies: Criminal prosecution acts as a deterrent against mass and commercial infringement. The police can seize infringing copies without warrant in certain circumstances.

Case laws:

1. In the case of *R.G. Anand v. Delux Films* (1978)², the playwright R.G. Anand claimed that the film *New Delhi* had copied his play *Hum Hindustani*. The Supreme Court ruled that the Copyright protects expression and not ideas, stating that two works dealing with the same subject but differing in theme, treatment, and presentation are not considered infringement. This case established the idea and expression dichotomy, which has remained a cornerstone in the Indian copyright law.
2. In the case of *Eastern Book Company v. D.B. Modak* (2008)³ it addressed the copyright ability of Supreme Court judgments, with Eastern Book Company alleging that D.B. Modak had copied their work in the law reports (SCC). The court ruled that judicial decisions themselves are not copyrightable as they are in public domain, but the editorial work such as formatting, headnotes, and paragraphing is protected by copyright. This case clarified originality threshold in India, adopting the 'modicum of creativity' standard.
3. In the case of *Super Cassettes Industries Ltd. v. Myspace* (2011)⁴, Super Cassettes, owner of T-Series, filed a case claiming copyright infringement due to unauthorized upload of their music by Myspace. The court ruled that online platforms like Myspace cannot escape liability by claiming to be intermediaries. This decision highlighted the

² (1978) 4 S.C.C. 118 (India)

³ (2008) 1 S.C.C. 1 (India)

⁴ 2011 SCC Online Del 4713 (India)

responsibility of digital platforms in preventing the piracy and protecting copyright owners.

4. In the case of Indian Performing Rights Society (IPRS) v. Aditya Pandey (2012)⁵ involved whether radio broadcasters required licenses from composers and lyricists by IPRS. The court held that radio broadcasters only needed a license from owners of sound recordings and not from composers or lyricists. This controversial ruling created confusion over royalty rights, leading to further reforms in the copyright law.
5. In the case of Sholay Media v. Parag Sanghavi (2015)⁶ it involved the producers of the film Sholay filing a case against the unauthorized adaptations and distribution. The Delhi High Court awarded damages to producers and reinforced protection for cinematographic works. This case reaffirmed that even decades-old films enjoy the copyright protection.

Challenges in the Digital Age

The way technology has changed everything about copyrighted stuff is pretty huge. Like, how we make, share, and use books, movies, music, all that creative content, it's totally different now because of the digital revolution. Things are way more available to everyone, which sounds great, but it also stirs up a lot of problems trying to keep copyright laws working right.

Online piracy is everywhere these days. People just stream or download movies and software without paying, or share music files across the internet, and since it happens in different countries, it's hard for anyone to stop it. Enforcement gets complicated fast. Social media makes it even simpler, users upload whatever they want, pictures or videos that might be someone else's work, and then platforms have to figure out if they are responsible or not. It feels like a tug between letting people speak freely and protecting what creators make.

Then there's artificial intelligence popping up, generating all kinds of art or writing, but who owns that. Existing laws do not really cover it well, I think. It's sort of unclear if the AI or the

⁵ (2012) 50 PTC 486 (Del) (India)

⁶ (2015) 64 PTC 1 (Del) (India)

person using it gets the copyright. And digital tech lets you copy things perfectly, instantly, which ramps up the chances of someone infringing without even trying, or maybe on purpose.

Dealing with this across borders is tough, too. Infringers hide behind anonymous accounts online, so identifying them and actually prosecuting takes forever, if it happens at all. That part stands out as especially messy.

Balancing it all, protecting creators so they keep making stuff, but also letting people access knowledge and info for education, that seems important. If protection goes too far, it might actually slow down new ideas and innovation, though there is no way to fix it without messing up one side or the other.

In response to these challenges, India amended the Copyright Act in 2012 to enhance digital rights management, safeguard authors' royalties, and align with international treaties such as the WIPO Copyright Treaty.

Conclusion

Copyright law in India is pretty important for protecting all kinds of creative stuff that people make. The Copyright Act from 1957 covers a lot, like economic rights for creators, moral rights too, and then there are civil remedies if someone breaks the rules, plus criminal penalties to make it serious. Judicial decisions have shaped how we think about what counts as original, or fair dealing, and when something is infringement, I suppose those court cases really clarify things that the law might not spell out completely.

With digital technology growing so fast, it is bringing up issues like online piracy that is hard to stop, and questions about who is liable when intermediaries are involved, not to mention content generated by AI which feels like a whole new area. The law has to keep up with these changes, adapting somehow while trying to balance what creators deserve and what the public needs access to, it seems tricky.

A solid copyright system does encourage creativity and innovation, helping cultural stuff progress in ways that benefit everyone. But to make protection actually work in this digital time, we need better enforcement, more public awareness about it, and cooperation across countries, otherwise it might not hold up.