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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **COPYRIGHT ISSUES AND ITS LEGAL ASPECTS** **IN CYBER SPACE**

AUTHORED BY - NAGESWARI R<sup>1</sup> & KALAIVANI<sup>2</sup>

## **Introduction**

Cyberspace shifts as an integral part of digital world. The Information Technology Act, 2000 (Herein after mentioned as IT Act) has been successful regulating adjudicate the crimes relating cyberspace, but the IT Act has failed to award protection to one of the most important legal properties which arises out of the human intellect i.e., Intellectual Property (“IP”) which means knowledge and information which has been expressed in a tangible or an intangible manner and includes copyrights, patents, trademarks, geographical indications and integrated circuits. The most challenging area within cyberspace is the infringement of IP and the inadequacy of the current legal framework (inclusive of Copyright Act 1957, IT Act and Trademark Act, 1999) Since the internet is a superhighway of information where one of the main concerns surrounding cyberspace is the infringement of copyright, trademark, domain names and piracy of other kinds of Intellectual Property. The main problem is the lack of sufficient legal framework since there is not much awareness about copyright issues, trademark issues, and other violations of IP rights taking place within the cyber domain. This article made an attempt to list out the copyright issues on cyber domain and made an effort to enumerate loopholes in the current legal framework. It also addresses some remedies existing in the current legal structure and the difficulty faced by courts in international enforcement of such remedies.

## **COPYRIGHT –MEANING &DEFINITION**

Copyright refers to the legal right vested with the owner or creator in respective of the intangible property. In simpler terms, copyright is the right not to copy. This means the original creators of products and anyone they give authorization the only ones with the exclusive right to reproduce

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the work. The term “copyright” comes from the word “copier,” which was first used in 1586. In its most basic form, copyright refers to a person's exclusive right to copy particular intellectual works that he or she has developed.

According to Black's Law Dictionary, “copyright” means Copyright is the legal right to use someone else's work. The positive law recognizes and sanctioned literary property. Something intangible a legal right provided to the author or creator of a work of literature or art. Production, in which he is given sole and exclusive control for a set length of time. The right to make multiple copies of the same, publish them, and sell them.

The exact duration of copyright depends on the type of work and can vary between countries. However, for a literary work such as an academic article, the duration is usually life of the author plus 70 years. The phrase “copyright” is frequently referred to as a “bundle of rights”, which includes the following rights exclusive right to make copies of the work and to create derivative works based on it copyrighted work, as well as to publicly perform or show the work.

### **Section 14 of Copyright Act.**

For the purposes of this Act, copyright means the exclusive right subject to the provisions of this Act, to do or authorize 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, and 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-clause and in the case of a computer programme, to do any of the acts specified in clause (a) 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 programs where the programme itself is not the essential object of the rental in the case of an artistic work,--to reproduce the work in any material form including--the storing of it in any medium by electronic or other means; or depiction



in three-dimensions of a two-dimensional work; or depiction in two-dimensions of a three-dimensional work, in the case of a cinematograph film, (i) to make a copy of the film, including a photograph of any image forming part thereof or storing of it in any medium by electronic or other means, to sell or give on commercial rental or offer for sale or for such rental, any copy of the film, to communicate the film to the public, in the case of a sound recording, to make any other sound recording embodying it including storing of it in any medium by electronic or other means, to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording, to communicate the sound recording to the public.

*Bharat Law House, Messrs v. M/s. Wadhwa and Co. Pvt.Ltd*<sup>3</sup>.-In this case it was held that “copyright is the exclusive right to do and to authorize others to do and restrain others from doing certain acts in relation to a literary work which includes work on legal subjects and there will not be any infringement of this right if something is done by the defendant in the exercise of a right vested in him under a contract of assignment with the person who possess that right.”

### **Linking**

It permits a Website user to visit another location on the Internet. By simply clicking on a word or image on one Web page, the user can view another Web page elsewhere in the world, or simply elsewhere on the same server as the original page.

Linking damages the rights or interests of the owner of the Linked webpage. It may create the supposition that the two linked sites are the same and promote the same idea. In this way, the linked sites can lose their income as it is often equal to the number of persons who visit their page. Linking allows a Web site user to visit another location on the Internet. By simply clicking on a “live” word or image in one Web page, the user can view another Web page elsewhere in the world, or simply elsewhere on the same server as the original page. This technique is what gives the Web its unique communicative power. At the same time, however, linking may undermine the rights or interests of the owner of the page that is linked to. Suppose, for example, that X sets up a homepage for her site. On the homepage she places some advertisements, from which she hopes

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<sup>3</sup> AIR 1988 Delhi 68, ILR 1988 Delhi 165

to make some money. The homepage also contains links to various subordinate pages that content X believes consumers wish to see. Y then creates his own Web site, which contains links to X's subordinate pages. The net result is that visitors to Y's site will be able to gain access to X's material, without ever seeing X's advertisements. This type of activity is called "deep linking" Other problems arise when one site contains links to copyrighted materials contained in another site against the wishes of the copyright owner. Though the person who provides the link may not be making copies himself or herself, some courts have recently found the link provider partially responsible for ensuing copyright infringement.

Every website uses these features called links which is beneficial to them for advertisements and spreading their information to more number of people. What is linking? A link is simply a connection between the content of two different files or between different parts of a single file. A link may lead either to another file in the same Web site, or to a file on a different computer located elsewhere on the Internet. Internet browsers automatically decipher the instructions given by links and retrieve the specified file.

Linking is of two types:

- Surface linking: When the home page of a site is linked, it is the case of surface linking.
- Deep linking: When a link bypasses the home page and goes straight to an internal page within the linked site, it is the case of deep linking.

The problem arises only with regard to the practice of deep linking. The home page of a Web site is used as the entry point to the information contained within the Web site and welcomes users, explains the nature of the site and offers links that allow the user to navigate through the site. Deep links defeat a Web site's intended method of navigation. Further deep links may "steal" traffic from the linked site's homepage thereby decreasing the revenue that could be generated from advertising that is dependent on the traffic onto the site. A link is just a URL, the Internet address of a Web site, and therefore, like a street address is not copyrightable. But this technology of hyperlinking may aid in the distribution of creative material that belongs to someone else.

## CASE LAWS

In *Ticket Master Corporation vs. Microsoft Corporation*, the defendant provided for specific hyperlinks to specific pages in the Plaintiff's site. The policies, service information and advertisements in the plaintiff's website were bypassed due to such hyperlinks and hence a suit was filed. An out of court settlement was subsequently made and Microsoft sold that entertainment portion of its site to Ticket Master. The decisions of the Courts were not unanimous with the treatment of deep linking. There were judicial cleavages with this regard. In *Ticket Master Corp. vs. Ticket.com.Inc*<sup>4</sup> held the deep linking per se is not prohibited. In this case the plaintiff and defendants were major competitors in selling tickets of all kinds. Both the competitors had their own website operated for selling of tickets to the customers. When the defendant could not sell specific tickets, it constructed a hyperlink in its website linking the user to the interior pages of the plaintiff's site from which the user can purchase tickets. The notice clearly stated that the link shall take the user to another company's site from which tickets could be purchased. The Court was satisfied that there was intention on part of the defendants to confuse or mislead the public and hence held that it was not an act of infringement.

### Software Piracy

Software piracy refers to the act of stealing software that is lawfully shielded. This stealing comprises various actions like copying, spreading, altering, or trading the software. It also comes under the Indian copyright act.

An example of software piracy is downloading a replica of Microsoft Word from any website other than Microsoft to avoid paying for it as it is a paid software. Piracy can be of 3 types:

1. Soft lifting
2. Software Counterfeiting
3. Uploading-Downloading.

### Cybersquatting

Cybersquatting means unauthorized registration and use of Internet domain names that are similar

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<sup>4</sup> United States District Court, C.D. California, 2003, Justice. Hupp.

to any business's trademarks, service marks, or company names. For example, let us consider Xyz is a very famous company and the company hadn't created a website yet. A cyber squatter could buy xyz.com, looking to sell the domain to the company Xyz at a later date for a profit. The domain name of a famous company can even be used to attract traffic and this traffic will help cyber squatters earn a lot of money through advertising.

When more than one individual believes that they have the right to register a specific domain name, then this can lead to a Domain Name Dispute. It arises when a registered trademark is registered by another individual or organization who is not the owner of a trademark that is registered.

Hyper linking:

Hyperlinking has become more risky. In its long-awaited judgment in Sanoma/GS Media, delivered on September 8, 2016, the European Court of Justice (ECJ) clarified that the posting of a hyperlink to unauthorized content protected by copyright and hosted by a third party may result in copyright infringement. This will be the case if the person posting the link knows or should have known that the hyperlink directed visitors to illegally published works. The ECJ also held that if hyperlinks are posted in the context of pursuing financial gain, full knowledge about the possible illegal character of the works is to be presumed. This means that commercial parties in particular will now have to thoroughly investigate and monitor what type of content they link to on their websites and in other forms of online communication

Caching:

One of the basic copyright issues in the internet is determining the border between private and public use. The Indian Copyright Act, 1957 makes a distinction between reproductions for public use and can be done only with the right holder's permission. The right of reproduction presents certain fundamental problems over the internet. This is because of the basic nature of internet transmission. Reproduction takes place at every stage of transmission. Temporary copying (known as caching) is an essential part of the transmission process through internet without which messages cannot travel through the networks and reach their destinations.

In the Indian Law, reproduction has to be in a material form but includes "storing of it in any

medium by electronic means” making caching also violative of copyright.

### Copyright in Cyberspace

Copyright protection gives the author of work a certain “bundle of rights”, including the exclusive right to reproduce the work in copies, to prepare derivative works based on the copyright work and to perform or display the work publicly.

### Public Performance and Display Rights

The right that does get affected is that of display. Display of the work is also done by making copies, which are then retailed or lent out. This also falls under the right to display, which the holder of the copyright has.

### Distribution Rights

Copyright Law grants the holder of the copyright the exclusive right to distribute copies of the work to the public by sale or by the transfer of the ownership

### Legal Aspects and Challenges:

#### Copyright Infringement

Copyright in a work is infringed when the work is copied without the consent of the copyright owner. A copyright law deals with the form in which the work is expressed. It doesn't monopolise the idea of information. As a medium, it allows a person to access a large amount of information and to copy that information in the same state as it is displayed.

#### Electronic Copyright Management System (E.C.M.S)

The copyright owners have an option to make use of the technology protection measures. E.C.M.S is indeed a legal framework to protect against third parties circumventing these systems. Technology protection measures may be classified as follows: - access control measures and copy control measures. Examples of access control measures include passwords, encryption and set top boxes. E.C.M.S is used to enable the copyright owners to track, manage or prevent copying of their work, such as digital watermarking system. This system allows the copyright owner to track and identify unauthorized copies made by the original work.

## The Legal Aspects of Electronic Copyright Management System

### (a) D.M.C.A (Digital Millennium Copyright Act 1998)

This Act (D.M.C.A) provides firstly, that no person shall circumvent a technological protection measure that effectively controls access to a work protected under the Act. The Second part prohibits trafficking in devices or services for circumventing technology measures that control access. The third part prohibits trafficking in devices or services for circumventing technology measures that protect the rights of a copyright owner.

### (B) E.U.C.D (Europe Union Copyright Directive)

The main focus was on the preparatory activities, because the real danger for Intellectual Property Rights will not be a single act of circumvention by individuals but preparatory activities to produce devices or offer services to circumvent.

*In Shreya Singhal v. UOI*, in the instant case, the validity of Section 66A of the IT Act was challenged before the Supreme Court.

Facts: Two women were arrested under Section 66A of the IT Act after they posted allegedly offensive and objectionable comments on Facebook concerning the complete shutdown of Mumbai after the demise of a political leader. Section 66A of the IT Act provides punishment if any person using a computer resource or communication, such information which is offensive, false, or causes annoyance, inconvenience, danger, insult, hatred, injury, or ill will.

The women, in response to the arrest, filed a petition challenging the constitutionality of

Section 66A of the IT Act on the ground that it is violative of the freedom of speech and expression.

Decision: The Supreme Court based its decision on three concepts namely: discussion, advocacy, and incitement. It observed that mere discussion or even advocacy of a cause, no matter how unpopular, is at the heart of the freedom of speech and expression. It was found that Section 66A was capable of restricting all forms of communication and it contained no distinction between mere advocacy or discussion on a particular cause which is offensive to some and incitement by such words leading to a causal connection to public disorder, security, health, and so on.

In *Gramophone Company of India vs. Super Cassette Industries Ltd*, one of the landmark cases where the court took the position that plaintiff had infringed the plaintiff's copyright in sound Recording by selling the remix version of the song on the internet. The court apprehended that the right of a copyright holder to offer for sale, sell, hire or distribute is not abridged by the arrangement in which it may be sold on the internet.

*Microsoft Corporation v. Yogesh Popat*, the Delhi High Court bestowed with a copyright infringement case and granted damages of Rs 23.62 lacs to Microsoft Corporation against M/s Compton Computers Private Ltd and its directors for adding the pirated software of Microsoft in computers the company traded after putting together the parts.

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. Section 51 of the Copyright Act specifies when a copyright is infringed.

According to Section 51 of the Act, Copyright is deemed to be infringed if:

- A person without obtaining the permission of the copyright holder does any act which only the copyright holder is authorized to do.
- A person permits the place to be used for communication, selling, distribution or exhibition of an infringing work unless he was not aware or has no reason to believe that such permission will result in the violation of copyright.
- A person imports infringing copies of a work
- A person without obtaining the authority from the copyright holder reproduces his work in any form.

Copyright Infringement examples

If a person uses someone's song as background music in his/her music video then he could be made liable for copyright infringement.

If a person downloads movies or songs from an unauthorized source then it will amount to copyright infringement.

A person is free to record a TV program to view it later, but if he transfers or distributes it to others then it becomes a copyright infringement.

Warner Bros. Entertainment Inc. v. Dhoom Torrents: Warner Bros., a renowned film production company, filed a copyright infringement suit against Dhoom Torrents, a website facilitating the unauthorized downloading and sharing of copyrighted movies. The court ruled in favour of Warner Bros., ordering the shutdown of the website and awarding damages for copyright infringement.

### Copyright infringement elements

The work was the original creation of the author

The defendant actually copied the work of the author. It is important to note that not all factually copying is legally actionable. The substantial similarity between the works of the author and the defendant has to be established to prove that the defendant has infringed the author's copyright.

### Types of Copyright Infringement

Copyright infringement can be broadly classified into two categories:

- i. Primary Infringement
- ii. Secondary Infringement
  - i. Primary Infringement

Primary infringement refers to the real act of copying the work of the copyright holder. For example, photocopying a book and then distributing it for commercial purposes.

However, sometimes a person may only copy a part of the work, for example, a paragraph of an article. In such a case, the copyright holder is required to establish two things:

#### a. Substantial Taking

A copyright is infringed only when an unauthorized person copies a substantial part of the work. For example, copying a catchy phrase of a lyricist.

While deciding the case, the court also tries to conceive, how an ordinary person will perceive the work. If an ordinary person will perceive that the work is copied from a different source then it will be considered infringement.

If the writing style, language and errors are similar to the copyrighted work then it will serve as evidence of copying in a court of law. The minor alterations made by the person in the work of a



copyright holder will not affect the claim of infringement.

#### b. Casual Connection

The copyright holder must prove that there is a similarity in the works of the copyright holder and the infringer. However, this may be because of several other reasons like both of them have used the same source for the research. In such a case, the copyright holder cannot claim for infringement.

#### 1. Secondary Infringement

Secondary Infringement refers to the infringement of copyright work without actually copying it.

This can happen in the following ways:

##### Providing a place for Copyright Infringement

If a person provides the place or permits the place (for profit) to be used for communicating of the work the public and such work amounts to copyright infringement then such person can be made liable for the offence of copyright imprisonment. However, if the person is unaware or has no reason to believe that the place is used for copyright infringement then cannot be made liable for the same.

It is important to note that the person should let the place for “profit” to be made liable for copyright infringement. If an NGO lets the place then the NGO cannot be made liable for the same.

##### a. Selling Infringing Copies

If a person sells the copies that infringe the right of the copyright holder then it will amount to copyright infringement.

##### b. Distributing Infringing Copies

When a person distributes infringing copies of the copyright holder works then it will amount to copyright infringement. For example, if a person uploads a movie on the internet for free then it is an infringement of copyright.

##### c. Importing Infringing Copies

Importing the infringed work of the copyright holder in India also amounts to infringement of Copyright. However, if the person has imported the infringed work for the domestic or personal

use then it will not amount to Copyright Infringement.

## **Ownership of Copyright**

### **a. Initial Ownership**

The initial ownership belongs to the creator of the work itself. Thus, for example, if a person A has written a novel P then initially it is the A himself, who is eligible for the ownership, thus, no one else other than A can claim the ownership on the novel.

The work made for Hire rule

If a person hires someone for the creation of the work then it is the hirer or the employer who is the owner of the copyrighted work and not the person who has originally created the work unless there is an agreement to the contrary.

### **b. Joint Ownership and Authorship**

If two or more authors have worked together to create a work then the authors will get joint ownership over the work.

### **c. Assignment**

Assignment refers to the transfer of copyright ownership. A person or a company to whom the rights are assigned is known as assignee. In this case, the Assignee become a owner.

## **Rights of Copyright owners**

Certain Rights are given to the copyright holder under the Copyright Act, 1957. These rights are discussed below:

### **i. Right to Reproduction**

The right to reproduction allows the copyright holder to make copies of his work in any form. The copyright holder can also bring legal action against the person if he reproduces his work i.e. download or copies his work in any format for commercial purposes.

### **ii. Right to distribute**

The copyright holder has the right to distribute his work in a manner he deems fit. He is also entitled to transfer his rights or some rights. For example, he may allow someone to translate his work.

iii. Right to make derivative works

The copyright holder has the right to derivative works. Thus, if a person wants to make a movie based on a novel then he should take permission from the author of the novel to do so or it may result in copyright infringement.

iv. Right to publicly perform

The copyright holder has the right to perform his work publicly i.e. a writer of a novel may showcase his work by performing drama or concert.

v. Right of Paternity

The right of paternity allows the copyright holder to claim authorship of the work. The author can claim due credit for his work, thus for example, if a movie is based on a novel but the maker of the movie does not acknowledge the author of the novel then the author can bring an action against the makers.

vi. Sui Generis Right

This right is available to the creators of the database and software. The right exists for a period of 15 years.

### **Copyright Exceptions**

i. Quotation, Criticism and Review

If a person uses the quotes of the copyrighted work then it will not amount to infringement. Similarly, a person may cite examples of the published work to criticize it or review it.

ii. Criteria for using the exception

The reason for using the material is genuinely for the purpose of Quotation, Criticism and Review. For example, one cannot discuss the whole film in an article and then comment that he/she liked the movie. The material which is used for review or criticism should already be available to the public. Thus, a person cannot use the material which is not made available to the public but is kept confidential. The use of the material should be fair. There is no legal definition of what is fair and what is not. The fair use of the material will depend on the facts and circumstances of the case. If

a person has provided sufficient acknowledgement to the copyright holder then it would not amount to copyright.

iii. Parody and Pastiche

Parody means to use the existing work of someone to create the humour or to use it for mockery. Some people may use the copyrighted work to make a critique while others may use it to draw attention to a social phenomenon. Use of work for parody and pastiche is not considered as a copyright infringement.

iv. Doctrine of Fair Dealing

Doctrine of Fair Dealing is an exception to the law that would usually protect any material that would be considered to be copyrighted as under the Indian Copyright Act, 1957. It is a legal doctrine which permits a person to use any work which is protected under the Act with limited usage of such work so as to maintain the sanctity and originality of such work as well as the registered proprietor of the work.

**Test for Copyright Infringement**

To test whether the work is copyrighted or not, the court follows the three-factor test. These three factors are:

a. Quantum of the work copied

Purpose of copying the work. The likelihood of competition between the two works.

- News Reporting

A news reporter may sometimes use the copyrighted material to report the current event. For example, a news reporter may use a part of the video clip to report a current event. In this case, he is exempted from copyright infringement. There are certain conditions under which a news reporter is exempted from copyright infringement, the conditions are discussed below:

The news reporter has not used the copyrighted photograph. The copyrighted photograph cannot be used for news reporting. The purpose of using the material should be genuine i.e. for reporting purpose only. There should be a fair use of the material. The news reporter has to sufficiently acknowledge the author of the copyrighted work.

- Libraries

The libraries often lend readers the book for a certain period and make copies for its users. The librarians, in this case, cannot be made liable for copyright infringement.

b. Education

Another exception to copyright infringement is the use of copyrighted material for educational purposes. Sometimes the copyrighted material is used by the teachers to illustrate a point or make the student understand the concept then it is not a copyright infringement. Similarly, if a student uses the thoughts of someone to explain an answer in examination then it is not a copyright infringement.

c. Private Copying

Private copying refers to the copying of material from one device to another without infringing the right of the copyright holder. For example, one may copy a song from DVD to MP3 player for backup purpose.

### **Remedies for Infringement of Copyright**

Under the Copyright Act, 1957 the copyright holder has two types of remedies:

#### **Civil Remedies**

Section 55(1) of the copyright act, provides that the copyright holder is entitled to remedy by way of injunction. The injunction is the most effective remedy in case of copyright infringement. Injunction refers to the judicial process by which one who is threatening the legal rights of someone is restrained to continue his acts or is ordered to restore the matter to the position in which they stood before the action.

Section 55(1) of the copyright act, further provides that the copyright holder is entitled to damages for copyright infringement. The purpose of providing the damages to the copyright holder is to restore him to the earlier position. There are various factors that determine the amount of damages to be paid to the copyright holder. Generally, the damages are awarded for the amount that the copyright holder would have got if the person had obtained the license from him. However, there are various other factors as well, that determines the amount of damages like the loss of profit to

the copyright holder, loss of reputation, decrease in the sale of the copyright holder's work etc.

### **Criminal Remedies**

The copyright holder can take criminal proceedings against the infringer. The criminal remedy is not an alternative to the civil remedy but is complementary to it. Thus, the copyright holder can bring both civil and criminal proceedings simultaneously. Section 63 of the Copyright Act, states that copyright infringement is a criminal offence

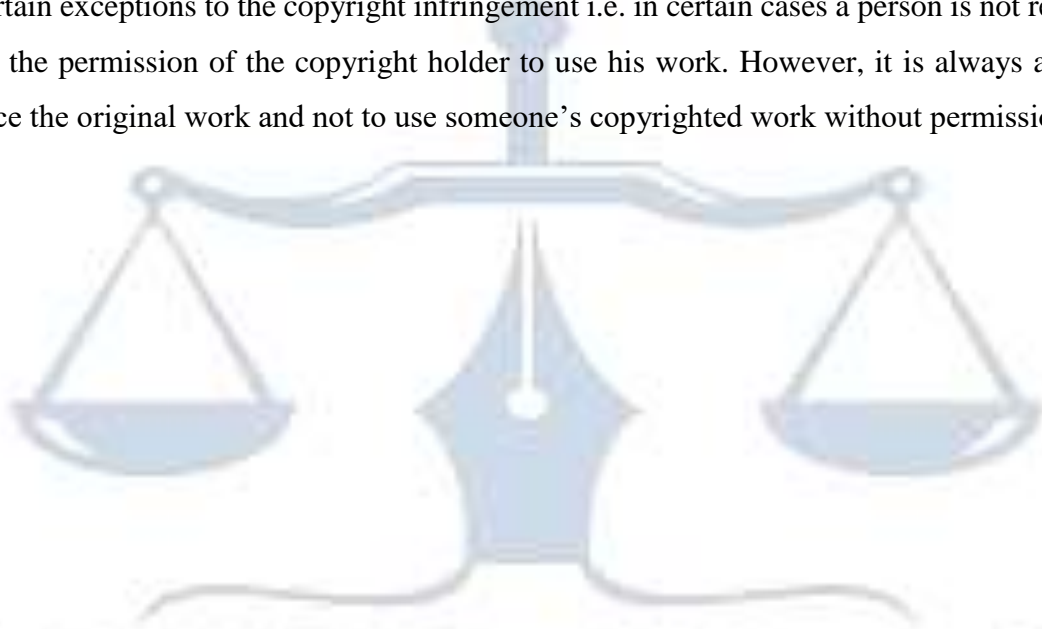
### **CONCLUSION AND SUGGESTION:**

The definitions of "reproduction" "fair dealing" and "copying" should be added to Section 2 of the Copyright Act 1957, so that interpretation of Section 52 of the Copyright Act, which deals with acts that do not constitute infringement, can be based on those definitions, bringing more certainty and clarity to the law. Similar to surfing, catching activities for personal use, such as research, educational, and teaching objectives, should be specifically covered in "fair dealing". The law has not been very effective in preventing copyright infringement in internet linking and framing. Existing copyright laws should be changed to give an adequate remedy by implementing some preventive measures. The infringement can be required to provide a disclaimer saying that the linked or framed site has no association with the linking site. A broad warning to the viewer that she or he may be transported to a new site can be presented. These disclaimers or warnings should be prominently displayed and easily read. A web page protection programme can also be installed by the website owner to prevent unauthorized linking or framing.

A few administrative actions should be implemented in order to implement and enforce legal provisions, i.e., to make legal tools a reality. For example, a central office should be established to act as a coordinating agency between the special copyright enforcement cells established in various Indian states to handle cases of copyright violations. The term "cybersquatting" should be defined, in the Information Technology Act 2000 relating to cybersquatting and it should be revised to provide statutory damages and penalties for repeat offenders. A new clause in the Copyright Act of 1957, is needed to manage copyright breaches on the Internet. Literary works, images, sound recordings, and other creative works are protected from being duplicated without the consent of the copyright holder under sections 13 and 63 of the Indian Copyright Act, 1957. It's still unclear

how copyright law will apply to these files as they emerge on the internet.

To sum up, the purpose of copyright is to protect the rights of the creator and provide the incentives and economic benefits to the creator. The scope of copyright extends to the literary or artistic works which demands creativity including Database and computer software. The registration of work is not necessary to be eligible for copyright however, it is often advised to register the work because it serves as an evidence in the court. If a person infringers the copyrighted work of someone then he will be liable for both the criminal liabilities and civil liabilities. However, there are certain exceptions to the copyright infringement i.e. in certain cases a person is not required to obtain the permission of the copyright holder to use his work. However, it is always advised to produce the original work and not to use someone's copyrighted work without permission.



W H I T E   B L A C K  
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