

A Comparative Study of Copyright Laws in India, US, UK

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Abstract: *This research paper is to analyse and examine what copyright law is? Why it is important to protect it? How is it being protected in different countries? Different countries have their own copyright protection laws. We are going to study in brief the copyright laws in India, US, and UK and how did they get their modern forms. Copyright may be a bundle of rights given by the law to the creators of literary, dramatic, musical and artistic works and the producers of cinematograph films and sound recordings. The rights provided below Copyright law embrace the rights of copy of the work, communication of the work to the general public, adaptation of the work and translation of the work. The scope and length of protection provided below copyright law varies with the character of the protected work. But this protection cannot be divine and for the betterment of the human race it has to last a duration which is acceptable to both, the author and government.*

Keywords: Copyright: Communication of work, Adaptation of the work, Protection, Duration

1. Introduction

Copyright is a subset of the larger category of property rights that govern both tangible and intangible property. Intangible property--also known as intellectual property--includes creative works, which are protected by copyright and trademark law, as well as technical and scientific works, which are protected by patent law. Well-defined and -administered property rights are fundamental to the functioning of market economies. The ownership of traded goods and services--and the recourse that the parties have in a dispute arising from any exchange--must be established for arms-length transactions among individuals to be feasible. In addition, a variety of decisions--on whether to save and invest, for example, or to undertake education, engage in skill building, or pursue research and development--depend on the likelihood of being able to claim the wealth that those activities may eventually generate. [1]

Historically copyright law has sought to balance private incentives to engage in creative activity with the social benefits that arise from the widespread use of creative works. In the past, the emergence of new technologies--the photocopying machine and videocassette recorder, for example--has threatened to tilt the scales of the copyright regime by loosening the control that copyright owners enjoy over subsequent uses of their works. Such a development could reduce the revenues that creators of copyrighted material obtain from their efforts and thereby restrict the future supply of creative works. Rapid technological progress in information technologies poses new issues for copyright law. Today, a digital file can be copied and instantaneously distributed worldwide through the Internet, thus potentially depriving the copyright holder of revenue from licensed sales.. At same time, consumers are beginning to chafe at copyright owners' use of digital technologies to prevent or deter copying and other unauthorized uses of copyrighted works. In modern times, copyright protection has been extended to websites and other online content .Since the advancement of technology and in this digital era, infringement of copyright can easily be done. This also includes simple copy and paste of an original blog written by the author.

Copyright in today's world is also serving the purpose to win the race in this competitive world of development in the field of science and technology to create a new economic order based on new innovations to ease the life of humans. Any country wishing to stimulate or inspire its own authors, composers or artists, and thus, augment its national cultural heritage, must provide effective copyright protection. This calls for an updated national copyright legislation, which has to be framed with due regard to the national needs and in a manner that best serves the national interests.

2. Copyright Laws in India

The Copyright Act, 1957 came into effect from January 1958. This Act has been amended sixfold until date since then, i.e., in 1983, 1984, 1991, 1994, 1999 and 2012. [2]

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 WCT and WPPT; to protect the Music and Film Industry and address its issues; to deal with the concerns of the physically disabled and to safeguard the interests of the author of any work; Incidental changes; to get rid of operational facilities; and social control of rights. [3]

Some of the vital amendments to the Copyright Act in 2012 square measure extension of copyright protection within the digital surroundings like penalties for dodging of technological protection measures and rights management data, and liability of internet service provider and introduction of statutory licences for cover versions and broadcasting organizations; ensuring right to receive royalties for authors, and music composers, exclusive economic and ethical 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.

In India, the registration of copyright isn't obligatory because the registration is treated as mere recordal of a truth.

The registration doesn't produce or confer any new right and isn't a necessity for initiating action against infringement.

The view has been upheld by the Indian courts in a catena of judgments.

Section 9 of the Copyright Act needs for institution of associate degree workplace to be referred to as the Copyright workplace for the aim of the Act.

The Copyright workplace is to be below the immediate management of a Registrar of Copyrights to be appointed by the Central Government, Who would act below the direction and directions of the Central Government. The developing countries are sometimes put into a separate category in respect of copyright mainly because they are all able to benefit from the compulsory licence system created for them in 1971 both by the Berne Convention and the Universal Copyright Convention.

However, the laws of the former British and French Colonies in Africa and Asia are shaped by the copyright system and droit d' auteur system respectively. This is particularly the case in India where the copyright system follows the United Kingdom Copyright Statutes very closely.

3. Land Mark Case in India

R. G. Anand v. Deluxe Films [AIR (1978) SC 1613] [4]

The judgment of Supreme Court is taken into account a landmark in Indian Copyright Law. It held, within the present case, the play and also the film revolve around an identical theme of 'provincialism' however it's well established that a mere plan can not be the subject matter of copyright. The plot of the film portrayed two issues of provincialism that it's first of all the function of provincialism with regard to wedding and second in regard to dealings out accommodation. Further, it conjointly proscribed the problem of evils of a society dominated by caste and therefore the ills of dowry. The last two problems haven't been dealt within the play by any means. Also, the play was restricted simply to one part of provincialism that is with regard to the wedding between people from totally different states. Thus, in varied views, the story and its depiction square measure terribly totally different in regard to the one within the play. it had been not AN instance of infringement of copyright. The similarities were trivial and not a 'substantial' or 'material' copy of the initial play and therefore the dissimilarities weighed over the similarities.

Copyright in UK

Under the law of United Kingdom, a copyright is associate degree intangible possession subsisting in certain qualifying subject-matter. Copyright law is dominated by the Copyright, designs and Patents Act 1988 (the 1988 Act), as amended from time to time. As results of accelerating legal integration and harmonisation throughout the eu Union a whole image of the law can only be non-inheritable through recourse to EU jurisprudence, although this is (this can be) often attainable to vary if the uk leaves the ecu Union. debatable new copyright rules which could want business on-line content sharing services like YouTube to agree licences with and pay an honest fee to the rights holders of material on their sites for on-line material area unit mentioned by the EU Parliament in September 2018 once

MEPs voted in New Style calendar month 2018 to alter the legislative methodology. On twelfth September 2018 new copyright rules were in agreement by the EU Parliament to help secure the rights of writers and musicians.

In 2014 (updated 2015) the intellectual property workplace issued an recommendation notice, which said, in part: twenty seven according to the Court of Justice of the eu Union that has lead to uk of great UK and European nation law, copyright can only survive in material that is original at intervals the sense that it's the author's own 'intellectual creation'. Given this criteria, it appears unlikely that what's just a retouched, digitised image of an older work are often thought of as 'original'. this can be as a results of there'll usually be lowest scope for a creator to exercise free associate degreed ingenious selections if their aim is only to form a faithful copy of an existing work.

Within the united kingdom, the term of protection offered by Crown copyright, Parliamentary copyright, copyright of Acts and Measures, and copyright of international organisations is break away that of traditional copyright works.

Government material qualifies for either Crown copyright or Parliamentary copyright, or protection as associate degree Act or live. Before the 1988 Act, Crown copyright jointly coated what is presently a separate Parliamentary copyright: like bills in Parliament and conjointly the various devolved assemblies, and Acts and Measures.

Parliamentary copyright applies to works created beneath the direction or management of either House of Parliament. Acts and Measures unit of measurement made public as: Acts of Parliament, Acts of the Scottish Parliament, Acts of the ecu nation Assembly, or Measures of the council of the Church of state.

Copyright at intervals the case of the works of international organisations lasts for 50 years from creation of the work.

Copyright Laws in USA

US copyright law traces its lineage back to the British Statute of Anne, that influenced the primary North American country federal copyright law, the Copyright Act of 1790. Article one Section vi clause eight of us constitution conjointly called Copyright Clause, underneath the Copyright Clause, Congress has the facility, "To promote the Progress of Science and helpful Arts, by securing for restricted Times to Authors and Inventors the perquisite to their individual Writings and Discoveries. within the u. s., any music composed before January one, 1923, is usually thought of property right.

Section 106 of the 1976 Copyright Act usually offers the copyright owner the perquisite to try and do and to authorize others to try and do the following:

- To reproduce the add copies or phonorecords;
- To prepare by-product works based mostly upon the work;
- To distribute copies or phonorecords of the work to the general public by sale or alternative transfer of possession, or by rental, lease, or lending;

- To perform the work publically, within the case of literary, musical, dramatic, and dance words, pantomimes, and motion footage and alternative audio-visual works;
- To show the proprietary work publically, within the case of literary, musical, dramatic, and dance works, pantomimes, and pictorial, graphic, or sculptural works, as well as the individual pictures of the movie or alternative audio-visual work;

Land Mark Case in USA

Twentieth Century Fox Film business firm v. MCA Inc. and Ors [715 F.2d 1327 (9th Cir. 1983)]

Also called Star Wars v Battle star Galactic is one amongst the foremost disreputable cases of violation. "The law regarding a grant of judicial decision is obvious. provided that no real issue of material fact exists can the moving party be entitled to prevail as a matter of law. On appeal, the question whether or not judicial decision was properly granted below is one amongst law. the quality governing our review is that the same as that used by the judicature underneath Rule 56(c). That is, this court should read the proof and inferences therefrom within the light most favourable to the non-moving party, herein plaintiffs-appellants Fox and lucas film. Defendants MCA, Universal and first rudiment might prevail provided that no real issue of fabric reality exists on the queries of considerable similarity of plan and plan expression.

How will Copyright Laws Work?

In Sep 2015 a judge in U.S. court dominated out that the song "happy birthday" doesn't make up a sound copyright. though many of us aren't aware from decades the song couldn't be used for business purpose while not acquisition royalty to warner Chappell music cluster. They claimed to possess attained 2million dollar each year from the song. Here's however an easy song like happy birthday be owned by one company and created profits out of it. this can be however precisely a copyright works. this can be why we'd like copyright in 1st place.

Copyright provides protection for tangible expressions of a thought. however copyright isn't an ideal rule out itself. There area unit bound limitations which permit for widespread public use. Copyright is that the reason wherever you only can't print copies of lord of the rings book or transfer any pirated motion picture. It permits creator to reap full fruits of its labour. What {you area unit|you're} and aren't allowed to try and do in terms of copyright springs from that country you belong and the way strict copyright laws are there. Most of the world now adheres to Berne convention, which was basis for most modern copyright laws that emphasizes on "The countries of the union, being equally animated by the desire to protect , in as effective and uniform a manner as possible, the rights of authors in their literary and artistic works."

4. Internet and Copyright

How the copyright law applies to the internet?

Internet technology is developing faster than the law that govern it. New laws that apply to internet have been established either by legislation or the courts. Copyright laws are on such laws. Internet we see today is just a tip of an iceberg. Internet is vast beyond our imagination. There is nothing in world that can't be searched on internet. This gives birth to a common myth about internet is that anything posted online can be copied or downloaded. The reality is that anything you see on the internet has the same protection of copyright as anything you see in the library or bookstore. Under modern copyright law, the formalities of registration and copyright notice are no longer required. As long as material is original and satisfies all three elements, copyright protects the work automatically. [5]

Presently the most frequent copyright infringement on internet happens when sharing music, movies, or softwares or any other programmes. Music and movie industries are aggressively planning crackdown on such p2p networks. Thousands of lawsuits have been filed in United States and many other countries in the world. Students who download such unauthorized files for college networks are being sued for their illegal activities. Government of many countries have established cyber security cell as a specialized branch of police for pursuing those who are performing illegal and unauthorized downloads on internet. Special courts have been formed for fast track hearing on these matters. Copyright infringements on internet are attracting law suits that may cost up to thousands or may land you up in prison. The same laws and penalties that apply to making illegal copies in the library or anywhere else apply to the internet [4]

5. Conclusion

There are differences in copyright laws in different countries and how those laws are used and enforced. Looking at US copyright law there is a limitation on how long an idea can be held as copyright by one single person. This limitation is usually for 70 years after the author's death and varies from country to country after which it falls in the public domain. When something is in public domain anyone can use it and reproduce it. There are also instances when some parts of copyrighted work can be used without violating the copyright laws. This is usually referred to a fair use. In Fair use includes for educational purposes, criticism news reporting or research. The reason for this is to prevent censorship by saying any mention of its work would violate the copyright. Copyright is complicated and dense and it doesn't even apply to all those countries who have not signed any international treaty. But in rest of the world the ability to control and profit out of your ideas is an important aspect of economy and intellectual property rights.

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