



Government of India
Ministry of Commerce & Industry
Department for Promotion of Industry & Internal Trade (DPIIT)
Office of Controller General of Patents, Designs & Trademarks

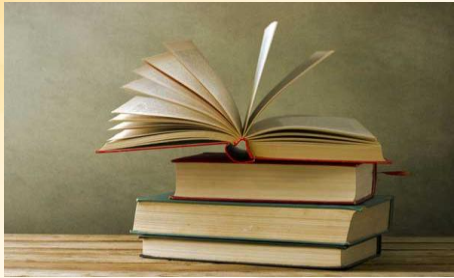
**COPYRIGHT SYSTEM IN SUPPORT OF CREATIVE INDUSTRIES WITH
RECENT TECHNOLOGY DEVELOPMENT**

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SUBJECT MATTER OF COPYRIGHT IN INDIA

Literary works
[S. 2 (o)]



Artistic works
[S. 2 (c)]



Dramatic works
[S. 2 (h)]



Musical works
[S. 2 (p)]



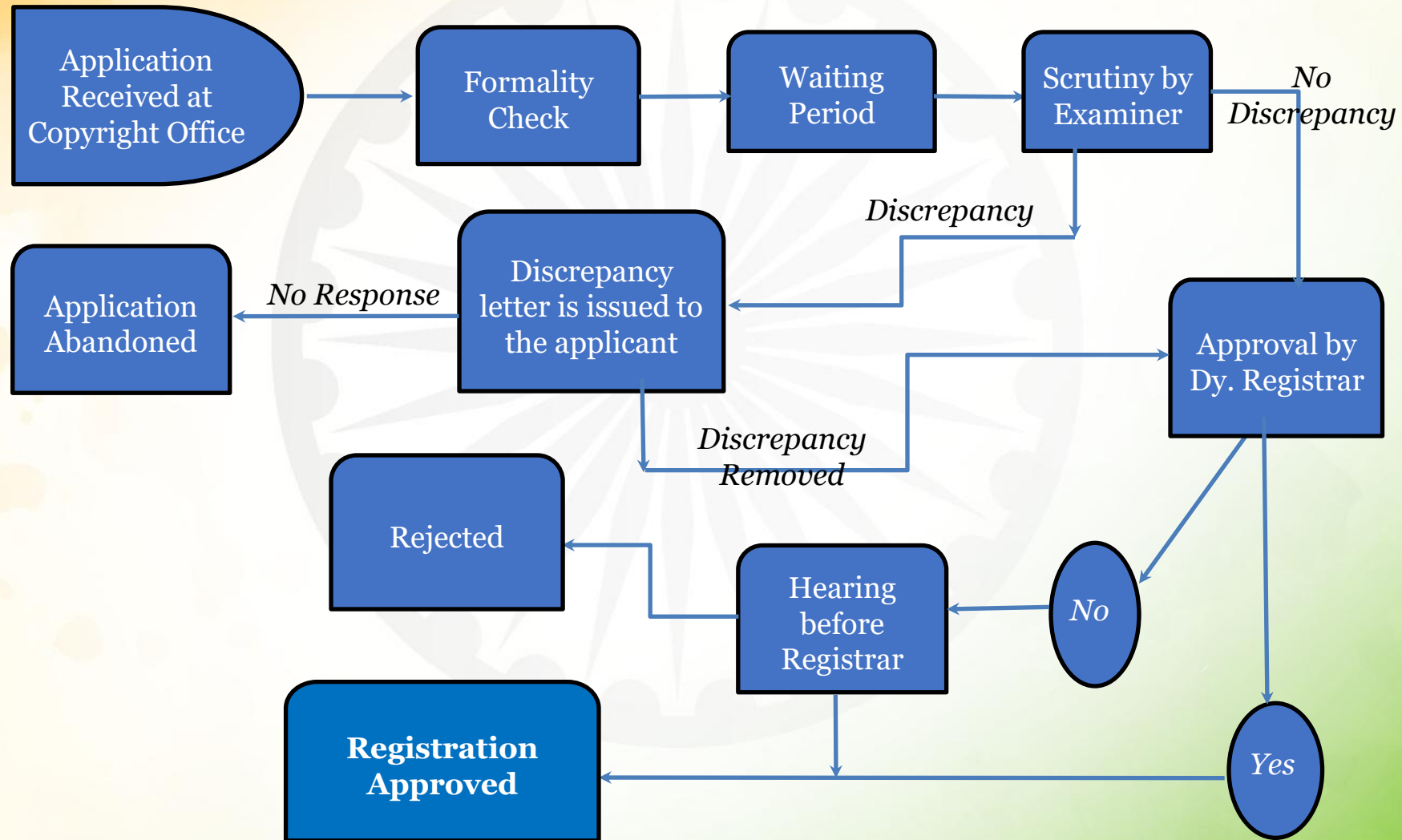
Sound Recording
Works [S. 2 (xx)]



Cinematographic
Films [S. 2 (f)]



STEPS FROM FILING TO REGISTRATION OF COPYRIGHT



COPYRIGHT AND NEIGHBOURING RIGHTS IN INDIA

The Copyright Act, 1957 (Amended in 1999)

- **Scope:** Protects literary, dramatic, musical, artistic works, Cinematographic films, and sound recordings.
- **Exclusive Rights to Creators:**
 - Reproduce
 - Perform
 - Translate
 - Communicate to the public
 - Adaptation

Neighbouring Rights (Chapter VIII of the Act)

1. **Performer:**
 - Includes singers, actors, dancers, musicians
 - Rights for those who perform the works.
2. **Producer (Sec. 2(uu)):**
 - Takes initiative and responsibility for making a film or sound recording
3. **Broadcasters:**
 - Rights derive from creative and economic input in assembling and delivering programs.
 - Protection not for content, but for act of broadcasting.

Performer's Right

1. **Section 38A - Exclusive Right of Performers:**
 1. Without prejudice to author's rights, performers have the exclusive right
 2. Performers cannot object to the use of their performance in a film, unless otherwise stated in a contract
2. **Section 38B "Moral rights of the performer"**
 1. Right against Distortion (Integrity)
 2. Right of Recognition (Authorship/Paternity)

Producer's Rights

As per the Copyright Act, 1957, Section 2 (uu), a "producer" initiates and takes responsibility for creating a work.

Key court rulings:

Thiagarajan Kumararaja v. Capital Film Works (2017): The producer cannot hold remake rights if the writer owns the copyright to the script.

S.J.Suryah v. S.S.Chakravarthy (2021): In the case of films, the first owner of the copyright is the producer, who also has remake rights under work for hire agreement (Section 14(1)d).

Broadcaster's Rights

"Broadcasters' rights stem from their creative and financial contributions in assembling and transmitting programs, rather than ownership of the content itself, such as a film. Their legal protection arises from the act of broadcasting, as the ability to transmit signals grants them specific rights over those signals. These rights are based on the work and investment they put into putting programs together and broadcasting them."

RECENT DEVELOPMENT

India's Global Standing

- India ranks 39th out of 133 countries in Global Innovation Index (GII) ranking released by World Intellectual Property Organisation (WIPO).
- Significant progress from 81st rank in 2015.

Registered Copyright Societies

- Indian Performing Rights Society (IPRS)
- Indian Reprographic Rights Organization (IRRO)
- Screenwriters Rights Association of India (SRAI)
- Recorded Music Performance Ltd. (RMPL)
- Cinefil Producers Performance Ltd, (CINEFIL)

Digital Empowerment in the Copyright Office

- Introduction of e-filing facilities.
- 96% of applications filed online.
- Video conferencing hearing for registration applications.
- Digitization of all copyright records since 1957

National Intellectual Property Awareness Mission (NIPAM)

- Target to reach over 2 million students and faculties in awareness programmes.
- Coverage from Higher Education Institutions to rural areas.
- Significant increase in the number of copyright applications.

Judicial Measures and Rulings in Copyrights

- Several Indian High Courts, including Delhi, Madras, and Calcutta, have established specialized IP divisions/benches to handle IP matters, for faster and more efficient resolution of IP disputes.
- Bombay High Court ruling in favour of equal royalty rights for authors.
- Delhi High Court's landmark judgment held that copyrights of screenplay does not vest with producer of film, but with author of the work.

IP Manthan

- Platform for discussions and perspectives.
- Aligns Indian Intellectual Property Office with stakeholders' expectations.

THE FUTURE OF IPR IN INDIA

Informed and Engaged Public

- Aware Public on protecting their intellectual property rights.
- Unleashing Innovation and creativity, as well as increased numbers of copyright applications.

Stronger Legal Protection

- Robust judicial support in place for stronger protection for authors and creators.
- Progressive judicial approach towards upholding the sanctity of copyright laws in India .

Modernized IP Offices

- IP management system in India with focus on modernized infrastructure and recruiting new talent pool.
- Streamlined process for registering and managing intellectual property.

International Collaboration

- Building international alliances and harmonize IP norms.
- Boost India's image as a country that respects and values intellectual property.

THANK YOU

