

UNIT – 2

Copyright Law

Subject-matter • Ownership • Rights • Infringement • Exceptions • Remedies • Neighbouring Rights

Intellectual Property Law – Expanded Edition

Unit Overview

This unit covers the law of copyright under the Copyright Act, 1957 – subject-matter of copyright, ownership and authorship, economic and moral rights, term of protection, infringement and exceptions (including fair dealing), remedies, and neighbouring (related) rights. Practical and exam-oriented points are included.

LEARNING OBJECTIVES

What You Will Learn

01 Subject-matter

Identify works in which copyright subsists

02 Ownership

Determine ownership and authorship

03 Rights

Explain economic and moral rights

04 Infringement

Identify acts of infringement

05 Exceptions

Apply fair dealing and other exceptions

06 Remedies

State civil and criminal remedies

SUBJECT

Subject-matter of Copyright

Literary	Books, computer programs, tables, compilations
Dramatic	Plays, scripts, choreographic works
Musical	Musical compositions (with or without words)
Artistic	Paintings, sculptures, drawings, photographs, architecture
Cinematograph Films	Visual recordings
Sound Recordings	Recordings of sounds

OWNERSHIP

Authorship and Ownership

Author	Generally the person who creates the work
First Owner	Author is the first owner except in cases of employment, commission, etc.
Employer	In case of works made in the course of employment, employer is the first owner (subject to contract)
Assignment	Copyright can be assigned in writing

RIGHTS

Rights of the Copyright Owner

Economic Rights

Reproduce, issue copies, perform, communicate to the public, make adaptations, translate

Moral Rights

Right to claim authorship and to restrain distortion or mutilation of the work (s.57)

Term

Life of author + 60 years (for most works); 60 years from publication for films, sound recordings, photographs

INFRINGEMENT

Infringement of Copyright

Primary

Doing any of the exclusive acts without licence

Secondary

Selling, distributing, importing infringing copies

Test

Substantial copying of the original work

Knowledge

For secondary infringement, knowledge or reason to believe is required

EXCEPTIONS

Exceptions and Limitations – Fair Dealing

Fair Dealing

For private use, research, criticism, review, reporting current events

Other Exceptions

Educational use, libraries, public interest, temporary copies, etc.

Three-Step Test

Exceptions must be limited to special cases that do not conflict with normal exploitation

REMEDIES

Remedies for Copyright Infringement

Civil	Injunction, damages, account of profits, delivery up
Criminal	Imprisonment and fine under the Copyright Act
Administrative	Border measures against import of infringing copies
Anton Piller	Search and seizure orders in appropriate cases

NEIGHBOURING

Neighbouring / Related Rights

Performers	Rights of performers in their performances
Broadcasting Organisations	Rights in their broadcasts
Producers of Sound Recordings	Rights in the sound recording
Term	Generally 50 years (varies)

Practical & Exam Points – Copyright

Originality

Requires skill, labour and judgment; not novelty

Idea-Expression

Copyright protects expression, not ideas

Registration

Not mandatory but useful as evidence

Digital Issues

Internet, streaming, AI-generated works raise new questions

SUMMARY POINTS

Must-Remember Points

- Copyright protects original literary, dramatic, musical, artistic works, films and sound recordings.
- Author is generally the first owner; economic and moral rights are recognised.
- Term is life + 60 years for most works.
- Infringement is substantial copying; fair dealing and other exceptions exist.
- Civil and criminal remedies are available.
- Neighbouring rights protect performers, broadcasters and producers of sound recordings.