Copyright in different fields

I. Copyright in Literary work

Literary works are protected by copyright as they are present in physical form. Literary works include books, magazines, newspapers, journals, anthologies, novels, computer software and programmes, letters, e-mails, poetry, lyrics of songs, tables and compilations. Literary works are not only confined to the above mentioned things but also abstracts, encyclopedia entries, dictionary meanings and individual poems are protected within the shield of copyright laws.

**Duration of Copyright**

In case of a copyright pertaining to literary work both published and unpublished the creator/ author owns the copyright which extends to his lifetime plus 60 years after his death.

**Ownership**

The author or the creator of a work is generally regarded as an owner of a work in case of literary works.

II. Copyright in dramatics

Dramatics includes within itself dance, mime covering screenplays, ballets, operas etc. Copyright in the field of dramatic safeguards the creators, composers, choreographers, dramatists, poets, author and other from replication of their work.

The different types of published and unpublished work may be submitted for registration including pantomimes, treatments, plays, choreography and scripts prepared for radio, cinema and television. They may be with music or without music.

Usually, dramatic scripts are intended to be performed including spoken text, plot and direction of action etc. It however needs to be understood that all dramatic work cannot get a copyright. A few dramatic works are exception to it namely:

1. Title or series of a programme.
2. Copyright protects dramatic expressions of a creator but not the general idea of a work.
3. Present work/ script can only be given copyright and not the future scripts/ works.

In order to get the copyright of a dramatic work, a copy of:

* Manuscript
* Printed copy
* Film recording
* Video recording
* Phonorecord

Are treated as a physical script. The registration of the work gets effect on the day when all the above mentioned material is submitted in the Copyright Office in the prescribed format.

III. Copyright in Musical Work

Musical work means a work which consists of music and for a work to be musical it requires a combination of graphical notations. However, it excludes any actions or words which are intended to be sung/ spoken with the music.

**Composer**

The author of the musical work is known as a composer. Composer is a person who composes the music irrespective of the fact that the music is recorded in any form of graphical notations or not.

**Duration of copyright**

The copyright for the musical work extends to the lifetime of the author plus 60 years after the author dies. However in case of joint authorship the duration is counted after the death of the last author.

IV. Copyright in sound recordings

Sound recordings which comprises of any person’s speech, song sung by any person with or without music, any audio or any podcast. The sound recordings are subjected to copyright.

**Producer**

The author of sound recording is known as producer. The producer of any sound has a right to register himself as the owner of that sound recording which is created by his intellect.

**Duration of copyright**

The copyright usually lasts for 60 years. However, in the case of sound recording copyright extends to the lifetime of the producer plus 60 years after the death of the creator.

V. Copyright in cinematograph films

Cinematograph films includes a plethora of activities namely:

1. Any work of visual recording displayed on any medium from which any moving object can be visualised.
2. Work involving sound recordings.

* Stages of protection of cinematography under copyright

**Pre- production**

Before any film is produced a humongus number of preparation is done which included casting and crewing, scripting, screenplay, shoot schedule, location, rehearsals etc. and here it needs a very strict rules and a legal backing so that nothing can be replicated.

**Post-production**

Once the film is released it becomes the prime necessity to protect it from replication.

* Rights of the owner

1. Reproduction right
2. Distribution and rental rights
3. Synchronisation rights
4. Derivative working rights
5. Broadcasting rights
6. Right of adaptation and translation
7. Display rights

Another interesting fact in this topic is related with piaracy which is called as ‘copyleft’. The owner has the right to avoid it and sue the person who does the work of piaracy.

Copyright in ownership

Copyright is considered to be a *sui generis*right which means that a person who is a creator of a thing using his intellect is the prime owner of that thing and has an immediate right over it.

Moreover, in accordance with Section 17 of the Copyright Act, 1957 is concerned with the 1st owner of any work.

* In which cases an author is considered the 1st owner?

1. In the case of literary works such as content published online, books, computer software, public speeches etc. in these cases the author is considered to be the first owner of the work.
2. In the case of dramatic, artistic or any musical work the author is the 1st owner of that piece of work
3. The cases pertaining to art which includes sculptures, paintings, drawings (envisaging, architectural drawing and planning) the creator is the 1st owner of that work.
4. In the cases pertaining to cinematography, the producer is the 1st owner of the work. As we all know cinematography involves plethora of activities such as lyrics of songs, scripts, artistic and dramatic work, for this purpose the respective authors shall be the owners. However, in the case of sound recording the producer will be the owner.
5. If in case any of the above work is done by any person under a contract then the owner of the work will be according to the terms of the contract.
6. For all that work which is created by the employee during the course of employment then the employer shall be the 1st owner of that work. Similarly any work created by a partner in the course of business the work will be counted under partnership. For instance, if any advocate draft something while working in a law firm that creation of draft will be owned by that law firm.
7. Lastly, any speech delivered publically, the speaker is the only owner of that speech, irrespective of the fact that it was arranged by someone else or it was given under the employer.