

CHAPTER

5

Battling Cyber Squatters and Copyright Protection in the Cyber World

Syllabus Topic : Concept of Domain Name and Reply to Cyber Squatters

5.1 Concept of Domain Name and Reply to Cyber Squatters

5.1.1 Domain Name

Q. 5.1.1 Explain domain name. (Ref. Sec. 5.1.1)

(5 Marks)

- Domain names are primarily used to identify one computer from the millions of others connected to the internet. It is address on internet and also an identity.
- Internet functions through Internet Protocol (IP) address. IP address is a numerical address and it is very difficult to remember all the IP addresses.
- To make it user friendly domain name system is developed. Today the domain names are serving the trade names, trademarks, or brands and carry with them goodwill and reputation of the websites they represent.
- Due to the growth of the e-commerce registration of domain name is increased and it also attracted the cyber squatters.

5.1.2 Cyber Squatter

Q. 5.1.2 Explain cyber squatter. How to fight cyber squatter? (Ref. Sec. 5.1.2)

(5 Marks)

- Cyber squatting is registering, trafficking in, or using a domain name with bad-faith intent to profit from the goodwill of a trademark belonging to someone else.
- The Cyber squatter then offers the domain to the person or company who owns a trademark contained within the name at an inflated price, an act which some deem to be extortion.

- There are many ways of cyber squatting. It can be done by getting the Second Level Domain (SLD) name registration of a popular company or a brand within a Top Level Domain (TLD).

Check where the domain name takes you

- As a general rule, first check to see if the domain name takes you to a website. If it does not take you to a functioning website, but instead takes you to a site stating "this domain name for sale," or "under construction," or "can't find server," the likelihood increases that you are dealing with a cyber squatter.

The absence of a real site may indicate that the domain name owner's only purpose in buying the name is to sell it back to you at a higher price. Of course, absence of a website does not always mean the presence of a cyber squatter. There may also be an innocent explanation and the domain name owner may have perfectly legitimate plans to have a website in the future.

- If the domain takes you to a functioning website that is comprised primarily of advertisements for products or services related to your trademark, you may also have a case of cyber squatting.

For example, if your company is well-known for providing audio-visual services and the website you encounter is packed with ads for other company's audio-visual services, the likelihood is very strong that the site is operated by a cyber squatter who is trading off your company's popularity to sell Google ads to your competitors.

- If the domain name takes you to a website that appears to be functional, has a reasonable relation to the domain name, but does not compete with your products or services, you probably aren't looking at a case of cyber squatting.

For example, if your trademark is "Moby Dick" for fine art dealing with whaling, and the website you encounter (www.mobydick.com) is for road cleaning machines, you do not have a case of cyber squatting. You may, under certain circumstances, have a case of trademark infringement.

Contact the domain name registrant

- Before jumping to any conclusions, contact the domain name registrant. To find the name and address of a domain name owner, you can use the "WHOIS Lookup" at whois.net.
- Find out whether there is a reasonable explanation for the use of the domain name, or if the registrant is willing to sell you the name at a price you are willing to pay.



☛ Pay, if it makes sense

Sometimes, paying the cyber squatter is the best choice. It may cheaper and quicker than filing a lawsuit or initiating an arbitration hearing.

5.1.3 How to Fight a Cyber Squatter

- A victim of cyber squatting in the United States has two options :
- Sue under the provisions of the Anticybersquatting Consumer Protection Act (ACPA), or
- use an international arbitration system created by the Internet Corporation of Assigned Names and Numbers (ICANN).
- Trademark experts consider the ICANN arbitration system to be faster and less expensive than suing under the ACPA and the procedure does not require an attorney.

☛ Using the ICANN Procedure

- In 1999, ICANN adopted and began implementing the Uniform Domain Name Dispute Resolution Policy (UDNDRP), a policy for resolution of domain name disputes.
- This international policy results in an arbitration of the dispute, not litigation. An action can be brought by any person who complains (referred to by ICANN as the "complainant") that:
 - o A domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights
 - o The domain name owner has no rights or legitimate interests in the domain name, and
 - o The domain name has been registered and is being used in bad faith.
- All of these elements must be established in order for the complainant to prevail. If the complainant prevails, the domain name will be canceled or transferred to the complainant.
- However, financial remedies are not available under the UDNDRP. Information about initiating a complaint is provided at the ICANN website.

☛ Suing Under the ACPA

- The Anticybersquatting Consumer Protection Act (ACPA) authorizes a trademark owner to sue an alleged cyber squatter in federal court and obtain a court order transferring the domain name back to the trademark owner.

In some cases, the cyber squatter must pay money damages. In order to stop a cyber squatter, the trademark owner must prove all of the following:

- o The domain name registrant had a bad-faith intent to profit from the trademarks.
- o The trademark was distinctive at the time the domain name was first registered
- o The domain name is identical or confusingly similar to the trademark, and
- o The trademark qualifies for protection under federal trademark laws that is, the trademark is distinctive and its owner was the first to use the trademark in commerce.

Defences to ACPA lawsuits

If the accused cyber squatter demonstrates that he had a reason to register the domain name other than to sell it back to the trademark owner for a profit, then a court will probably allow him to keep the domain name.

Syllabus Topic : Meta-Tagging

5.2 Meta-Tagging

Q. 5.2.1 Explain meta tagging. (Ref.Sec.5.2)

(5 Marks)

- Meta tagging is a process whereby a website owner places certain words on his web site, so that the site figures on search engines when a search of that particular word is made.
 - To divert the internet user on another website the company's name or popular trademark may be used improperly a meta tag.
- Example :** Playboy Enterprises, Inc. v. Netscape Communications Corporation
- Netscape communications (defendant) operated an internet search engine. Netscape utilized a practice called keying that allowed advertisers to link their ads to specific search terms. Netscape maintained lists of terms to be linked or keyed to ads.
 - Netscape's lists contained terms trademarked by Playboy Enterprises, Inc. (PEI) (plaintiff). These terms included "playboy" and "playmate" Through Netscape, adult-oriented advertisers linked their ads to PEI's trademarked terms.
 - Thus, if a user searched "playboy" or "playmate," these adult ads would appear on the search-result page. PEI sued Netscape, asserting that keying ads to PEI's trademarked terms infringed upon and diluted the marks.



- PEI presented evidence that the ads linked to PEI's marks were often graphic in nature and were confusingly labeled.
- Netscape argued, among other defenses, that it made a nominative use of PEI's marks. The trial court granted summary judgment in favor of Netscape.

Syllabus Topic : Legislative and Other Innovative Moves against Cyber Squatting

5.3 Legislative and Other Innovative Moves against Cyber Squatting

Q. 5.3.1 Explain the legislative and other innovative moves against Cyber Squatting.

(5 Marks)

Cyber squatting is a major threat to the cyber world. So, legislative measures are initiated by many countries. NASSCOM (National Association of Software and Services Companies) has recommended copyright act should be amended to include cyber squatting as an offence.

5.3.1 Anticybersquatting Consumer Protection Act

- Anticybersquatting Consumer Protection Act was passed in US. It amends section 43 of the Trademark Act to prohibit bad faith registration of, trafficking in, use of domain name that is registered trademark is identical to distinctive mark, or is confusingly similar to or dilutive of the famous mark.
- In this act the plaintiff can sue for damages between US \$1000 and US \$1,00,000 per domain name. The court can also order the transfer or forfeiture of domain name.

5.3.2 ICANN

- ICANN has introduced seven domains extension with innovative mechanism to reduce the threat of cyber squatting. These domains are .biz, .coop, .pro, .name, .info, .museum, .aero.
- The concept of the 'sunrise holder' is introduced in which trademark holders are allowed to register the domain names for the first month and after that only extension for general public would be opened.
- For the extension .biz they have introduced a unique system of IP claim, where any trademark owner can file an IP claim for the trademark by giving the relevant registration particulars.

- If at the same time two or more applications are filed, then the registrar would pool in all the application and randomly select the registrant.
- After that only the aggrieved party may resort to the process called STOP (Start-Up Trademark Opposition Policy).
- Under this process this domain name is freeze for a month. The domain name dispute shall then be settled and decided.
- Under the UDRP (Uniform Domain Name Dispute Resolution Policy) burden of proving bad faith registration is not heavy.

Syllabus Topic : The Battle between Freedom and Control on the Internet

5.4 The Battle between Freedom and Control on the Internet

- The regime of intellectual property should not be applied to cyber world. Internet is freedom of, to the information.
- It allows free access to information; the internet user can access, store, copy and transmit any information on the internet. So as a natural consequence the internet should be free from the regime of intellectual property.
- But on the other hand internet is just another medium of communication, interaction and business; hence regime of intellectual property should be applied as it does in physical world.
 - The number of internet users is raised in current scenario. Internet today is not the mode of interaction or source of information but also a market which is growing phenomenally.
 - As internet is growing commercially it is futile to argue against regime of intellectual property. So the law of Intellectual property has applied, is being applied and shall always apply to the internet.
 - The Copyright Act, 1957 is applied to physical and cyber world. In IT Act, 2000, section 43(b) take care of the aspects related to the intellectual property protection in electronic world as follows :
If any person without permission of the owner or any other person who is incharge of a computer, computer system or computer network,-
 - (a) Downloads, copies or extracts any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium;



- (b) He shall be liable to pay damages by way of compensation not exceeding one crore rupees to the person so affected

Syllabus Topic : Works In Which Copyright Subsists and Meaning of Copyright

5.5 Works In Which Copyright Subsists and Meaning of Copyright

Q. 5.5.1 Explain the works in which Copyright Subsists and meaning of Copyright.
(Ref.Sec.5.5)

(5 Marks)

- As per the copyright act 1957 copyright subsists in the following work:
 1. Original literary, dramatic, musical and artistic works.
 2. Cinematograph films and sound recording.
- Copyright in the aforesaid works would not exist unless
 1. In the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date was, at the time of his death the citizen of India.
 2. In the case of an unpublished work other than the work of architecture, the author is at the date of the making of the work a citizen of India or domiciled in India; and
 3. In the case of work of architecture the work is located in India.
- The above rules do not apply for the foreign work but in the case of work of joint authorship the above conditions conferring copyright must be satisfied by all the authors of the work.
- It is specified in Copyright act that copyright would not subsist (Section 13(3)):
 1. In any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;
 2. In any sound recording made in respect of a literary, dramatic or musical work, if in making the sound recording copyright in such work has been infringed.
- It is specified that where there is a copyright in a cinematograph film or a sound recording, it does not affect the separate component in any work in respect of which or a substantial part of which, the film or sound recording as may be the case is made.
- In architectural work copyright subsists only in the artistic character and design and does not extend to process or methods of construction.

The literary work includes computer programmes, tables and compilation including computer databases. The copyright covers the source code and the object code. It also includes all representations of computer programs whether in written form or in machine readable form.

There are two levels of computer languages for developing software, when is a high level language and second is machine level language. High level language is English like language and low level language is in the form of ones and zeros.

Statements in machine level language are referred as object code and statement same high level language is referred as source code.

Computer programs are covered under the category of literary works but audios, graphics and videos created by the underlying computer programs may not necessarily be literary works.

Copyright owners have the exclusive right to do or authorized the doing of any of the following acts in respect of the work or any substantial part thereof :

In case of literary, dramatic or musical work, not being a computer program-

- o To reproduce the work in any material form including the storing of it in any medium by electronic means;
- o To issue copies of the work to the public not being copy is already in circulation;
- o To perform the work in public or communicate it to the public;
- o To make any cinematography or sound recording in respect of the work;
- o To make any translation of the work;
- o To make any adaption of the work;
- o To do, in relation to a translation for adoption of the work any of the aforesaid acts;
- o In the case of a computer program :
 - Photo any of the acts specified about for literary, dramatic or musical work;
 - To sell or give on commercial rental, or office for sale or commercial rental a copy of the computer programs;
- o In the case of an artistic work :
 - To reproduce the work in any material form including depiction in three dimensions of two dimensional or in two dimensions of a three dimensional work;
 - To communicate the work to the public;
 - To issue copies of the work to the public not being copy is already in circulation;



- To include the work in any cinematograph film;
 - To make any adaption of the work;
 - To do in relation when adaption of the work any of the first four acts in the instant category of artistic work;
 - o In the case of cinematograph film
 - To make a copy of the film, including a photograph of any image forming part thereof;
 - To sell or give on hire, or offer for sale or higher, any copy of the film regardless of whether such copy has been sold or given on hire on earlier occasions;
 - To communicate the film to the public.
 - o In the case of sound recording :
 - To make any other sound recording embodying it;
 - To sell or give on hire, offer for sale or hire, any copy of the sound recording regardless of whether such copy has been sold or given on hire on earlier occasions;
 - To communicate the sound recording to the public.
- Corporate work is also extended to the work like, Form of the verb not the idea. Copyright subsists in published as well as a published work.
 - Registration of work is optional not mandatory under the law. If people do registration under the IT Act then it will be evidence in the disputes.
 - To register copyright you have to fill the application form, payment of nominal fees and depositing 3 copies of the work with the copyright office.

Syllabus Topic : Copyright Ownership and Assignment

5.6 Copyright Ownership and Assignment

Q. 5.6.1 Explain copyright ownership and assignment. (Ref. Sec.5.6)

(5 Marks)

As given in Section 17 of Copyright Act 1957, the author of work is the owner of the copyright therein. There are specific exceptions to this rules as given in Section 17 of copyright act. The author of the work is not the corporate owner under the law in the following situations:

- In the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a

contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

Subject to the provisions of clause (a) in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

In the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

In the case of any address or speech delivered in public, the person who has delivered such address or speech or if such person has delivered such address or speech on behalf of any other person, such other person shall be the first owner of the copyright therein notwithstanding that the person who delivers such address or speech, or, as the case may be, the person on whose behalf such address or speech is delivered, is employed by any other person who arranges such address or speech or on whose behalf or premises such address or speech is delivered;

- In the case of a Government work, Government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

- In the case of a work made or first published by or under the direction or control of any public undertaking, such public undertaking shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

- In the case of a work to which the provisions of section 41 apply, the international organization concerned shall be the first owner of the copyright therein.

The IT companies are raising the query related to the ownership of the copyright in software development by an employee in the course of his employment.

If there is absence of an agreement to the contrary the employer shall be the first owner of the copyright in the software development by the employee in the course of his employment.



- If there is a dispute with an employee then the employer has to prove his copyright ownership, he has to prove that work was made in the course of the employees employment under contract of service.
- On the other hand the employee of the sidewalk would need to prove that the work was not created in the course of employment or there is an agreement to the contrary where by employee has been granted ownership of the copyright.
- The employment agreement must have all situations which may arise with respect to the ownership of copyright in the work developed by an employee during the course of his employment.
- There is a system which engages the software professionals or the companies on contract basis for development of software. So there should be a proper agreement between the employer and the employee of the company with whom the contract is done.

5.6.1 Assignment of Copyright

- The Section 18 of the copyright act 1957 allows the assignment of copyright and Section 19 specifies the modes of assignment.
- The owner of the copyright in an existing work or the prospective owner of the copyright in the future work assigned to any person the copyright either wholly or partially and other generally are subject to limitations and either for the whole term of the copyright or any part thereof.
- In the case of assignment of copyright in any future work assignments will take effect only when it comes into existence.
- The assignee of the copyright becomes entitled to any right compromised in the copyright, the assignee as respect the rights so assigned, and the assignor respects the rights not assigned, are treated for the purposes of the copyright act as the owner of the copyright.
- Identify such work, and shall specify the rights assigned and the duration and territorial extent of such assignment.
- No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorized agent.
- The assignment of copyright in any work shall also specify the amount of royalty payable, if any, to the author or his legal heirs during the currency of the assignment
- The assignment shall be subject to revision, extension or termination on terms mutually agreed upon by the parties.



Where the assignee does not exercise the right assigned to him under any of the other sub-sections of this section within period of one year from the date of assignment, the assignment in respect of such rights shall be deemed to have lapsed after the expiry of the said period unless otherwise specified in the assignment.

If the period of assignment is not stated, it shall be deemed to be five years from the date of assignment.

If the territorial extent of assignment of the rights is not specified, it shall be presumed to extend within India.

Syllabus Topic : License of Copyright

5.7 License of Copyright

Q. 5.7.1 Write short note on license of copyright. (Ref.Sec.5.7)

(5 Marks)

- Copyright act 1957's Section 30 allows the owner of the copyright in an existing work are the prospective owner of the copyright in any future work, to grant any interest in the right by license, in writing, signed by him or by his duly authorized agent.
- The license related to future work shall take effect only when the work comes into existence it needs to be born in mind that there is a distinction between licence and assignment.
- A license is a mere permission for leave to do something which would otherwise be unlawful. The license does not become the owner of the work. The assignee becomes the owner of the work upon assignment of copyright.
- In IT sector licenses are used widely, most probably for computer software's.
- The end consumers purchase only license software which implies that he is not the owner of the software. In this the consumer enters into a license agreement with a software company. It means the consumer have the permission to use the software.
- The software licenses specifies that the license is entitled to install it on one computer only and that we can make one article copy as a backup.
- Section 52(1) (aa) of Copyright Act, 1952, mentions some exceptions to copyright infringement with respect to a computer program. It is given as follows:
 - The making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme from such copy.
 - (i) In order to utilize the computer programme for the purpose for which it was supplied;

or

- (ii) To make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilize the computer programme for the purpose for which it was supplied.
- Deposed exceptions are normally stated in license agreement as permissible uses; the same shall be applying even if they are not stated in the license agreement.
 - Software licenses prohibit copying, distribution or transfer of the same, reverse engineering modifications or adaption of the code contained in the software.

Syllabus Topic : Copyright Terms and Respect for Foreign Works

5.8 Copyright Terms and Respect for Foreign Works

5.8.1 Copyright Terms

**Q. 5.8.1 Explain Copyright Terms and Respect for Foreign Works.
(Ref. Sec. 5.8.1)**

(5 Marks)

- The copyright term are given in Chapter 5 of copyright Act.
- Section 22 of copyright act says that, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the lifetime of the author until 60 years from the beginning of the calendar year next following the year in which the author dies.
- Section 25 of copyright act says that, In the case of a photograph, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the photograph is published.
- Section 26 of copyright act says that, In the case of a cinematograph film, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the film is published.
- Section 27 of copyright act says that, In the case of a sound recording, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the sound recording is published.
- Chapter 5 also gives the term of the copyright in pseudonymous, posthumous, government, anonymous, international organization and public undertaking.

5.8.2 Respect for Foreign Works

Q.5.8.2 Explain Respect for Foreign Works. (Ref. Sec. 5.8.2)

(5 Marks)

- Copyright law is also extended for the work published in other countries.
- Under Section 40, Government of India is issuing orders.
- As per the International Copyright Order of 1958, the provision of the copyright act, 1957 were made applicable to work published in countries covered under the Berne convention, the Universal copyright convention, or the phonograph convention.
- The said order was superseded by the international copyright order 1991. The said order of 1991 has been superseded by the international copyright order 1999.
- The said order of 1999 contains the list of countries under the Berne convention, Universal copyright convention, Phonograph convention and WTO.
- Protection of the foreign work is assuming more importance and relevance as internet is a global network and lots of copyrighted work is posted.

Syllabus Topic : Copyright Infringement, Remedies and Offences

5.9 Copyright Infringement, Remedies and Offences

THE NEXT LEVEL OF EDUCATION

Q.5.9.1 Explain the Copyright Infringement, Remedies and Offences.

(Ref. Sec. 5.9)

(5 Marks)

Section 51 of copyright act States the various acts which amount to copyright infringement as follows:

☞ Section 51 : When copyright infringed

Copyright in a work shall be deemed to be infringed : When any person, without a license granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a license so granted or of any condition imposed by a competent authority under this Act :

- (i) Does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright,
- (ii) Permits for profit any place to be used for the communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such

communication to the public would be an infringement of copyright; or

☛ **When any person**

- (i) Makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or
- (ii) Distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

- (iii) By way of trade exhibits in public, or

- (iv) Imports into India

- **Explanation :** For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an "infringing" copy.

Section 52 of copyright act States certain ads which do not constitute copyright infringement some of the important exceptions are as follows:

(a) A fair dealing with a literary, dramatic, musical or artistic work not being a computer programme for the purposes of

- Private use including research;
- Criticism or review, whether of that work or of any other work;

(aa) The making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme from such copy

- In order to utilize the computer programme for the purpose for which it was supplied; or
- To make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilize the computer programme for the purpose for which it was supplied;

(ab) The doing of any act necessary to obtain information essential for operating interoperability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available;

(ac) The observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;



- (ad) The making of copies or adaption of the computer programme from a personally legally obtained copy for non-commercial personal use;
- (b) A fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events.
 - o In a newspaper, magazine or similar periodical; or
 - o by broadcast or in a cinematograph film or by means of photographs. broadcast or in a cinematograph film or by means of photographs.

Explanation

- The publication of a compilation of addresses or speeches delivered in public is not a fair dealing of such work within the meaning of this clause;
- The defence of fair dealing is an integral part of copyright law. The fair dealing defence allowed certain usage of literary works which would have otherwise been an infringement of copyrights.
- The fair dealing defence states that copyrights must not stifle the very creativity that law is meant to foster.
- The Indian Copyright Act under Section 52 makes fair dealing a valid defence for copyright infringement.
- This defence places the burden of proof on the copyright owner to establish infringement. However, the Copyright Act has not defined fair dealing which led the Indian court to rely on the definition of English authorities.

5.9.1 Civil and-Criminal for Remedies for Copyright Infringement

Civil for Remedies

The civil remedies for copyright infringement are covered under Section 55 of the Copyright Act of 1957.

The different civil remedies available are :

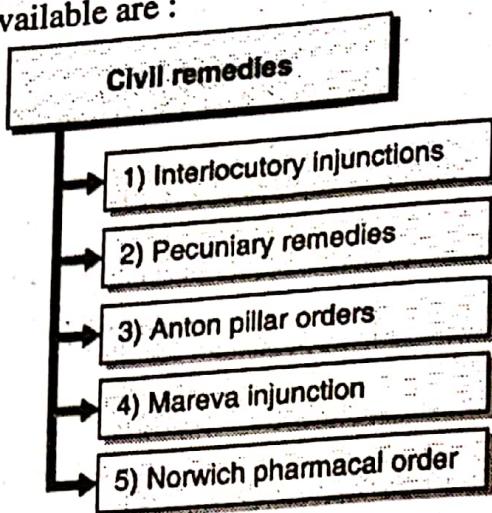


Fig. 5.9.1 : Civil remedies

→ **1) Interlocutory injunctions**

- The most important remedy is the grant of an interlocutory injunction. In most cases the application filed is for interlocutory relief and the matter rarely goes beyond the interlocutory stage.
- There are three requirements for there to be a grant of interlocutory injunction. Firstly, a *prima facie* case. Secondly, there needs to be a balance of convenience. Finally, there needs to be an irreparable injury.

→ **2) Pecuniary remedies**

- Copyright owners can also seek three pecuniary remedies under Sections 55 and 58 of the Copyright Act of 1957.
- First, an account of profits which lets the owner seek the sum of money made equal to the profit made through unlawful conduct.
- Second, compensatory damages which let the copyright owner seek the damages he suffered due to the infringement. Third, conversion damages which are assessed according to the value of the article.

→ **3) Anton pillar orders**

- The Anton pillar order gets its name from the holding in *Anton Pillar AG v. Manufacturing processes*.
- The following elements are present in an Anton Pillar Order.
- First, an injunction restraining the defendant from destroying or infringing goods.

Second, an order permitting the plaintiff's lawyer to search the defendant's premises and take goods in their safe custody.

Third, an order that the defendant be directed to disclose the names and addresses of suppliers and consumers.

→ 4) Mareva injunction

The Mareva injunction comes into play when the court believes that the defendant is trying to delay or obstruct the execution of any decree being passed against him.

The court has the power to direct him to place whole or any part of his property under the court's disposal as may be sufficient to satisfy the decree.

This is provided in Order XXXVIII, Rule 5 of the Civil Procedure Code, 1908.

→ 5) Norwich pharmacal order

The norwich pharmacal order is usually passed when information needs to be discovered from a third party.

→ Criminal remedies

Under the Copyright Act, 1957 the following remedies are provided for infringement:

- Imprisonment up to 3 years but, not less than 6 months
- Fine which may not be less than 50,000 but, may extend up to 2,00,000
- Search and seizure of infringing goods
- Delivery of infringing goods to the copyright owner

The copyright act is silent on the offences therein are cognizable or non cognizable and bailable and non bailable. The following are the offences as per Code of Criminal Procedure, 1973 are given as follows :

- If offence is punishable with death, imprisonment for life, or imprisonment for more than 7 years then it is a cognizable offence and non-bailable.
- If offence is punishable with imprisonment for 3 years and upwards but not more than 7 years then it is a cognizable offence and non-bailable.
- If offence is punishable with imprisonment for less than 3 years or with fine only then it is a non-cognizable offence and bailable.

**Syllabus Topic : Copyright Protection of Content on the Internet, Copyright Notice, Disclaimer and Acknowledgement****5.10 Copyright Protection of Content on the Internet, Copyright Notice, Disclaimer and Acknowledgement**

Q. 5.10.1 Explain Copyright Protection of Content on the Internet, Copyright Notice, Disclaimer and Acknowledgement. (Ref.Sec.5.10)

(5 Marks)

- There is a misconception among many people that they assume that any work available on internet suggests an implied consent of its creator, that such work can be reproduced, copied and transmitted to others.
- Cyber world also enjoys the protection of copyright law. The web contents such as images, text, graphics, audio, video and the underlying software programs and the layout of web page or the look and feel of the website are entitled for the protection under Section 43(b) of IT Act, 2000 and the cyber law.
- The material posted on the internet is for reading purpose and without the consent of the copyright owner it cannot be reproduced, copied or transmitted.
- Section 43(b) of IT Act imposes a liability upto 1 crore upon a person who downloads the material unlawfully. The compensation is payable to the affected person. Regarding the violation of the aforesaid the IT Act provides the adjudication and appellate mechanism.
- Any material created first exists the copyright. The copyright protection takes place for material expressed in any form.
- There is a misconception that there is a need to display a notice for copyright material. As per the Indian law there is no such notice is required.
- Disclaimers are seen on many websites, as if they avoid the liability under the law. By displaying disclaimer on website the creator of the same states that he makes no claim as to the copyright in the works posted on the website. But such disclaimers do not rescue the developer from the liability for infringement which may arise under the copyright law.
- It is also seen that many developers use the acknowledgement of the copyrights of others work posted on the web pages. Such acknowledgements also do not avoid liability under the copyright law.

Syllabus Topic : Downloading for Viewing Content on the Internet, Hyper-Linking and Framing

5.11

Downloading for Viewing Content on the Internet, Hyper-Linking and Framing

5.11.1 Downloading for Viewing the Contents

- Downloading contents from the internet is violation of copyright or not is a topic for controversy. Since for accessing the page from internet user actually downloads the copy of the webpage on his computer.

- So the WebPages are downloaded only for the viewing purposes, so there will be no copyright infringement as the intent of the user is to view the page.

Example : Kelly v Arriba Soft Corp 280 F3d 934(9th Cir 2002)

- Plaintiff Leslie Kelly had copyrighted many images of American west. Some were located on her website. Defendant produced thumbnail pictures in its search engine's search results and by clicking on them; larger version could be viewed within Arriba's page.
- Circuit court held, use of thumbnails is fair use but display of larger image within its web pages is violation of author's exclusive right to publicly display his works.

5.11.2 Linking

Q. 5.11.1 Explain linking. (Ref. Sec. 5.11.2)

(5 Marks)

- A link is simply a connection between the content of two different files (or between different parts of a single file).
- It is a technique through which the author of a website connects his text with others and enables web browsers to quickly move from one page to another.
- A link may lead either to another page in the same web site, or to a page on a different computer located elsewhere on the Internet.

There are two types of linking :

1. Surface linking
2. Deep linking



→ **1. Surface linking**

When a home page of the site is linked then it is a surface linking.

→ **2. Deep linking**

When a link directly goes to an internal page within the linked site by bypassing the home page then it is a deep link.

Example : Ticketmaster vs. Microsoft

- **Facts :** In April, 1997, Ticketmaster filed a complaint in federal court in the Central District of California alleging that "Microsoft's actions diluted their trademarks; created a false, deceptive and misleading representation that there was a formal relationship between the two of them; constituted unfair competition and business practices; and constituted a commercial misuse of their trademarks".
- Microsoft at that time operated Sidewalk, a recreational and cultural guide Website. What Microsoft was doing was simple if a Sidewalk user wanted to buy a ticket to a particular event mentioned on the site, Sidewalk offered them a link to Ticketmaster's ticket purchase page.
- They were actually promoting Ticketmaster sales and sending them customers. A month after the suit was filed; Ticketmaster blocked Sidewalk users from their site. Links set up from Sidewalk then took users to a Ticketmaster page that read, "This is an unauthorized link and a dead end for Sidewalk".
- **Status :** In February of 1999, the 2-year-old lawsuit was settled out of court. "Details of the settlement were not made public, but the deep links were removed, directing Sidewalk users to the Ticket master homepage.

5.11.3 Framing

Q. 5.11.2 Explain framing. (Ref. Sec. 5.11.3)

(5 Marks)

- Framing is a link to another website whereby such a website is displayed within a window or frame. Framing is distinct from linking. The internet user remains at the framing site. Framing is feature of Netscape Navigator browser.
- It allows a web-site designer to embed independently scrollable windows within its own border. When a site is framed or web page is framed within another website, its URL and domain name is not visible or displayed. Instead, the web page and URL border from the

originally accessed site is maintained, while the content of the target/framed site appears within this border.

Users are not able to bookmark the target site, as the bookmark will save the URL of the framer. The framed websites carry foul *inter alia* alleging trademark and copyright infringement. Framing creates confusion to the source of the goods and services.

Example : Hard Rock Café International (USA) Inc. vs. Morton

Facts : Peter Morton was a founder of the Hard Rock Café who sold his interests in the business to the parent company. Morton retained ownership of a Hard Rock Hotel and Casino and was granted a license to use certain service marks and trademarks.

The parent company later sued Morton, claiming that he violated the license agreement by illegally framing the site to sell CDs.

Decision : The court pointed out that the framing made it unclear to a user whether he or she had left the Hard Rock Hotel website, especially since, though the content on the page changed, the bookmarkable domain name stayed the same.

This use was found to violate the license agreement and Morton was ordered to either permanently cease framing the CD store's website or present evidence that it can frame that site in accordance with the terms of the license agreement.

Syllabus Topic : Liability of ISPs for Copyright Violation In the Cyber World : Legal Developments In The US

5.12 Liability of ISPs for Copyright Violation In the Cyber World : Legal Developments In The US

- The liabilities of ISP's (Internet Service Providers) for copyright violation are a subject of debate. To deal with the liabilities of ISPs there is no statutory provision in law. The Section 79 of the IT Act, 2000, speaks about the liability.
- "Section 79" network service providers not to be liable in certain cases for the removal of doubts, any person who is providing any service as a network service provider shall not be liable under this act for certain cases, rules or regulations made there under for any third party information or data made available by him.
- Even if proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

- Explanation : For the purpose of this section
 - o "Network service provider" means an intermediary;
 - o "Third party information" means any information dealt with by a network service provider in his capacity as an intermediary.

Syllabus Topic : Napster and Its Cousins : A Revolution on The Internet but a Crisis for Copyright Owners

5.13 Napster and Its Cousins : A Revolution on the Internet but a Crisis for Copyright Owners

Q. 5.13.1 Write short note on Napster and its cousins. (Ref. Sec. 5.13)

(5 Marks)

Napster was created between 1998 and 1999 by a 19 year old called Shawn Fanning. The program was initially written to solve a friend's problem, who wanted to find music more easily available on the Internet.

- The system he developed was called 'Peer to Peer' because it allowed music tracks available on one user's hard disk to be searched and downloaded to another Internet User's computer.
- Actually, the service was not a pure 'Peer to Peer' since central services which indexed the tracks available and their locations, are similar to the way which Instant Messaging (IM) works.
- The capability of the Napster service proved irresistible and Napster use peaked with 26.4 million users all over the world in February 2001.
- This E-commerce case related to international business because we know that people from all over the world use Napster to download music. Napster is doing nothing but an International trade of music.
- This poses a big problem to the BMG, Sony Music and other major recording companies because, once one person has bought the CD and loaded it to his hard drive, the rest of the population can download it for free if they are a member of this Napster service.
- This brought in a huge loss of revenues for all these companies. The loss due to this type of music swapping by Napster and other related firms' accounts to about \$300 million. Since Napster is accused of having violated the copyright laws, this becomes a Business Ethics related case.

The RIAA represents major recording companies such as BMG, Universal Music, Warner Music Group, EMI and Sony Music.

The RIAA said that Napster is violating the copyright laws, by allowing users to exchange digital copies of music recordings for free. The RIAA also demanded that Napster should stop its service immediately.

Apart from this the RIAA wanted Napster to pay a huge sum as compensation for the revenues that were lost in the past one year after Napster's launch.

5.13.1 Law Suit on Napster

- Within a year of its launch, several major recording companies backed by the Recording Industry Association of America (RIAA) recording launched a lawsuit against Napster.
- Some individual bands also sued Napster for allowing free download of music recordings. Metallica, the rock band found that a demo of their song 'I disappear' was eventually played on the radio after being circulated in the Napster network for quite some time.
- Other well-known artists like Madonna and Eminem also vented their intense anger on Napster. However, some artists found this service turning out to be useful to them.
- Radiohead, a UK band pre-released some tracks of their album 'Kid A' on to Napster and this album subsequently became Number 1 in the US despite failing to achieve this previously.

5.13.1.1 Action Taken

- Finally on March 5th 2001 as a result of legal action an order was issued asking Napster to cease trading of copyrighted material.
- Napster complied with this order, but tried to make a deal with the record companies saying that Napster will pay past copyright fees and also turn the service into a legal subscription service.
- In the following year, a deal was agreed with Bertelsmann AG, a German media company to purchase Napster's assets for \$8 million as part of agreement when Napster filed for Chapter 11 bankruptcy in the United States.
- This sale was blocked and the web site was closed. Eventually, the Napster brand was purchased by Roxio Inc. who used the brand to rebrand their Pressplay service.
- Pressplay is an online music store that was created in 2002. It is a joint venture between Sony Music Entertainment and Universal Music Group.



- Since this time, other 'Peer to Peer' services such as Grokster, Kazaa and Gnutella have prospered because it has been more difficult for the copyright owners to sue in court.
- However, many individuals have now been sued in the US and Europe and the associations of these services with spyware and adware has damaged these services. This eventually reduced the popularity of these services.

☞ Essence of the case

Recording Industry Association of America initiated legal actions against Napster for the following copyright violation on the complainant's exclusive rights for reproduction and distribution of their copyright works:

- Napster users were directly violating the complainant's copyright.
- Napster was liable for contributory violation of the complainant's copyright.
- Napster was liable for vicarious violation of the complainant's copyright.

5.13.1.2 Legal Arguments Used

- Napster did not dispute the allegations of direct violation by its users. Therefore the court accused at least some of Napster's users to be direct violations through their activities of reproducing and distributing copyright material (music) without permission.
- Contributory violation of copyright requires that the defendant should have had some knowledge of the direct violation undertaken by the exterior party and must have materially contributed to the direct violation.
- The court had already determined that Napster's users directly violated the plaintiff's copyright. Napster's knowledge of these violating activities was proven by the appearance of well-known song titles in promotion screens, a list of 12,000 files that had been subject to copyright violations via Napster and the downloading done by company executives.
- Finally, material contribution was demonstrated via Napster's provision of the site and facilities used in directly violating activities.
- The court consequently said that Napster was liable for contributory violation of the plaintiff's copyright.
- When there is a financial benefit due to the failure to supervise or control a direct violation of copyright where there is a possibility of doing so, a vicarious liability is said to arise.

Thus the court said that Napster was liable for vicarious violation as it retained the right to block a user from accessing the network. This detainment amounted to the ability of Napster to control violating activities.

However Napster failed to exercise this right for this purpose. Napster's major attraction for the use of the system relied on the violation of its users.

Also, the systems financial viability was directly related to the size of its database. Thus the court found that Napster obtained direct financial benefit from the violation of users.

5.13.1.3 Defences by Napster

Napster unsuccessfully argued four defences to the allegations made against them. Firstly Napster argued that their right to free speech allowed the legal continuance of their system. The courts determined that free speech is not applicable to the illegal downloading of files without a redeeming purpose.

Secondly, Napster argued that the placement of any ban against the company would result in a lot of financial suffering. However the court held that the hardship borne by Napster is not higher than the interest of the copyright holder.

Thirdly, Napster relied on a legal principle (the Betamax Defence) which states that creators of new technology should not bear the burden of preventing copyright violation where technology is capable of substantial non-violating use.

The courts determined that despite Napster non-infringing uses, this principle did not apply as Napster possessed actual knowledge of specific violations and maintained the ability to control them without doing so.

Finally Napster attempted to rely on Section 512(a) Digital Millennium Copyright Act (DMCA).

This piece of American legislation allows an Internet service provider to provide connections for material that is temporarily stored on its service with impunity under certain conditions.

However, Napster could not prove to the court that it fell under the classification of a service provider under the Act.

5.13.1.4 The Decision

The District Court ordered Napster to monitor the activities of its network and to also asked them to block access to violating material when notified. Unable to do this Napster consequently shut down its service in July 2001.

- Due to the outcome of the case Napster eventually declared bankruptcy in 2002 and sold its assets. The Napster trademark was sold to Roxio and a new subscription service using the name was launched in October 2003.

5.13.2 Arguments Based on the Indian Copyright Act, 1957

- The final decision was made by examining the case based on application and balancing of four factors listed in Section 107 of the Copyright Act, 1957.
- The four factors are :
 1. The purpose of the use.
 2. The nature of the work for which the data is being used.
 3. The amount of the work used.
 4. The effect of the use on the market for or value of the original work
- The analysis of the four factors was relatively succinct and blunt in its conclusion that the exchange of music files had little chance of surviving a test of fair use. I considered the following view of the factors:

5.13.2.1 Purpose of the Use (Napster)

- The reason why I felt that this factor does not favor fair use is that, first of all the use of music is not transformative and secondly the users of Napster gained a 'commercial' benefit. In both the cases the analysis was weak and most of the time flawed but the court said that it wanted to be more sympathetic towards its users.
- The concept of transformative use inquires whether the downloading activities create some change in the original work and add a utility to it. This transforms the old work into a new one.
- For example, you read something from an old text and comment on it by giving suggestions for improvement of what has already been written. Sometimes when your suggestions are read and implemented it might lead to an improved version of something that has already been existing.
- In such a case the data is said to be of fair use because you have contributed in finding out something with a new utility value. Also this new thing that you have created will serve a new need and will have a new audience of users.
- On these lines, the US Supreme court said that a spoof of a song could be 'transformative' as it comments on the work and serves a different purpose, apart from the objective of the original work.

The court also made it clear that the transformation of medium, from CD-ROM to an MP3 file cannot be accepted as transformative use.

According to Section 107 of Indian Copyright Act, 1957 you also need to find out whether such use is of commercial nature or is for nonprofit educational purposes, in order to measure and analyse the nature of the use.

It is also the responsibility of the District court to find out whether the allegedly infringing use is commercial or non-commercial.

After all the analysis, the court found some commercial purpose in repeated and exploitative copying. It saved the users of Napster the expense of purchasing authorized copies.

The magnitude of users download is a good indicator of his objective and purpose. A person who makes one isolated copy may be using it for a small research project or something similar to that.

On the other hand if someone is making many copies, then there is a possibility that he is circulating it among his friends and thus making a huge profit.

Quantity is also a determinant of the potential market harm. Large scale copying stands a very small chance of surviving a fair use test.

5.13.2.2 Nature of the Original Work (Napster)

- For very obvious reasons, creative work requires more protection than fact based work. Since musical compositions and recordings definitely come under the 'creative' category this factor weighs against fair use. While reinforcing this premise they found a little flexibility.
- However, the analysis is simplistic. Since it was declared that a spoof of a song could be fair use, this factor makes little or no difference in the analysis because a spoof is possible in any type of work.
- Therefore no type of work should be more or less favored when it comes to spoofing. This leaves this factor neutral while determining fair use. This shows that one factor influences the shaping of other factors in this discussion.

5.13.2.3 Amount of the Work Used (Napster)

- The amount of work that has been copied also needs to be taken into account while conducting the fair use test. In 1984, the U.S. Supreme court allowed individuals to record television programmes for later home viewing.



- That was legalized and permitted. Nevertheless, the court found that Napster users engage in 'wholesale copying' of entire works, which is against fair use.
- The court took no effort to explain why this was considered wrong. They also refused to explain why it is different from any other example of copying whole works.

5.13.2.4 Effect on the Market (Napster)

- The use of Napster leads to two major forms of harm to the Music industry
- Loss of sales of compact discs
- A heightened barrier to entry by the music industry into the market for electronic delivery of music
- This will not only cause harm to the present market but will also affect the future market which is not a very desirable scenario. To reach this conclusion, the court relied on results of research conducted by the RIAA to test the effect of Napster use on sales.
- Napster introduced its own study and proved that the use of Napster actually increased CD sales.
- The court rejected this saying that there was not enough objective data collected for the research.
- Overall, the court gave very little room for Napster to make a claim of fair use, having found summarily that all four of the factors weigh against fair use and in favor of violation.

5.13.3 Conclusion of an Alternative for Napster

- At an absolute minimum, the Napster decision is a reminder to all such clearing houses that the copyright law clearly applies to sound recordings.
- It also makes it very clear that the courts will look critically and take strict action on large-scale services that copy and distribute works.
- The Napster decision demands a close look at the copyright implications of the digital library, but its shallow legal analysis offers little insight for better understanding the law.
- Both the district court and the appeals court seemed to have no sympathy for Napster's legal position, and consequently neither court seemed to perceive a need to explore and explain the subtleties of the rulings.
- The proposed digital library has a different structure when compared to Napster. While Napster serves as a clearance house where the system does not actually store the songs but instead provides an access to every user's hard drive if he is currently logged on to the

service, a digital library manager will determine which materials are available for use and only if he permits will the user be able to download the file.

The library can also be in the position of facing accusations of direct violation, along with the users who might download, copy, share, and manipulate the files.

Such a library system will be most unlikely to have any benefit of the "safe harbour" for online service providers; that protection generally applies only to systems that operate as "conduits" and do not actually choose and post the content.

According to the Napster and other related cases, a library of music files on a computer system may not fit within the protections of the Audio Home Recording Act of 1992.

Ultimately, the library depends on fair use and other limitations on the rights of the copyrights owner.

Also, we do not get a clear picture of the fair use test from the Napster ruling case. The analysis of the Napster case shows that the court was in a hurry towards a conclusion and hence did not give proper elaboration as to why each of the factors weighed against fair use of downloaded data.

Here I will give you an elaborate meaning of the four factors that are considered in the fair use test.**(<https://www.ukessays.com/essays/information-technology/case-study-on-napster-information-technology-essay.php?vref=1>)**

THE NEXT LEVEL OF EDUCATION

5.13.3.1 Purpose of the Use (Digital Library)

- Transformative uses are strongly favored. If the original recording is being transformed into something that serves a new need and has a new set of users it is said to be transformative.
- Simply conversion of music file from a CD format to an MP3 format is not considered to be transformative. Courts will also be uncertain of "commercial" uses or any uses that might eventually benefit a commercial party.
- If the recording or music is being used for some educational purpose like a research project then it is said to be fairly used

5.13.3.2 Nature of the Original Work (Digital Library)

- This factor remains problematic and vague when one is looking at it as a factor to measure fair use.
- Creative works are generally subject to narrow fair use, when compared to fact based findings and musical works are easily deemed "creative."



- Similar to the previous factor when the data is used for educational purposes the court seems to be more sympathetic towards the users.

5.13.3.3 Amount of the Work Used (Digital Library)

- This factor lays a limit on the amount of work that has been copied. A tolerable amount is considered to be legal.
- However, when it comes to music, the limit on this is reduced as music is deemed to be creative.

5.13.3.4 Effect on the Market (Digital Library)

- This factor determines how the related market is being affected because of this illegal sharing of information through the internet.
- The music industry is affected by the decrease in sales of CDs due to the immense amount of music available for free on the internet. This not only affects the present market but also the future market.
- The amount it affects the future market should also be taken into consideration while calculating the fair use of the infringement.
- Market harm may be found if the library and the owner make the entire work accessible in the same manner at the same time.
- On the other hand if the library and the owner make the work available in different versions or at different times market harm will be difficult to infer.
- In the latter case the library must make the work available in a manner that is specific to a particular course.
- The examination of fair use in the Napster ruling is of course superficial. It does not give us thorough information of all the issues.
- A detailed study is necessary in order to examine the issue of fair use more thoroughly and also to examine its potential implications for the Digital Music Library.

Syllabus Topic : Computer Software Piracy

5.14 Computer Software Piracy

Q. 5.14.1 Explain computer software piracy. (Ref. Sec. 5.14)

(5 Marks)

- Computer software piracy is a big problem. Software piracy means unauthorised copying, installation, redistribution or sale of software programs.

- It is a misconception that software piracy is problem for software industry only but it isn't so it is a problem for the society.

- It affects the revenues of software manufacturers and authorised distribution channels the following are the losses caused by software piracy to the community:

- o Loss of jobs.
 - o High cost to the software industry and hence higher prices of software for legitimate consumers.
 - o Laws of taxes.
 - o It affects the spirit of innovation and investment in development of new software.
- Another fact related to software piracy is it is not effectively checked by severe laws and their enforcement.
- Giving corporal punishments and file for damages is not controlling the software piracy. Software piracy has become a lucrative business because of following features:
- o Software piracy is committed with luxurious ease. It is very simple to make two copies of software. Godaddy copying is not possible, computer engineers and programmers perform reverse engineering on the programs.
 - o The pirated copy is as good as original.
 - o The cost of software piracy is very less.
 - o Software piracy.

• Policies adopted to decline software piracy

1. Import duty on software are removed.
2. Prices of the software are reduced.
3. Awareness and training programs for law enforcement agencies concerned with the investigation and prosecution of software piracy cases.
4. Media campaigning against piracy cases.
5. Strict implementation of the code of conduct for member companies of NASSCOM.
6. Knowing use of an infringing copy of a program has been made an offence, punishable with imprisonment for a term which shall not be less than 7 days but which may extend to 3 years with fine of not less than 50000 Rupees but which may extend to 2 Lakh rupees as per the amendment to Copyright Act, 1994. The offences of knowing copyright infringement are non bailable.

5.15 Exam Pack(Review Questions)

- σ Syllabus Topic : Concept of Domain Name and Reply to Cyber Squatters**
- Q. 1 Explain domain name. (Refer Section 5.1) (5 Marks)
- Q. 2 Explain cyber squatter. How to fight cyber squatter? (Refer Section 5.1.2) (5 Marks)
- σ Syllabus Topic : Meta-Tagging**
- Q. 3 Explain met tagging. (Refer Section 5.2) (5 Marks)
- σ Syllabus Topic : Legislative and Other Innovative Moves Against Cyber Squatting**
- Q. 4 Explain the legislative and other innovative moves against Cyber Squatting. (Refer Section 5.3) (5 Marks)
- σ Syllabus Topic : Works In Which Copyright Subsists and Meaning of Copyright**
- Q. 5 Explain the works in which Copyright Subsists and meaning of Copyright. (Refer Section 5.5) (5 Marks)
- σ Syllabus Topic : Copyright Ownership and Assignment**
- Q. 6 Explain copyright ownership and assignment. (Refer Section 5.6) (5 Marks)
- σ Syllabus Topic : License of Copyright**
- Q. 7 Write short note on license of copyright. (Refer Section 5.7) (5 Marks)
- σ Syllabus Topic : Copyright Terms and Respect for Foreign Works**
- Q. 8 Explain Copyright Terms and Respect for Foreign Works. (Refer Section 5.8.1) (5 Marks)
- Q. 9 Explain Respect for Foreign Works. (Refer Section 5.8.2) (5 Marks)
- σ Syllabus Topic : Copyright Infringement, Remedies and Offences**
- Q. 10 Explain the Copyright Infringement, Remedies and Offences. (Refer Section 5.9) (5 Marks)
- σ Syllabus Topic : Copyright Protection of Content on the Internet, Copyright Notice, Disclaimer and Acknowledgement**
- Q. 11 Explain Copyright Protection of Content on the Internet, Copyright Notice, Disclaimer and Acknowledgement. (Refer Section 5.10) (5 Marks)

Chapter Ends...

