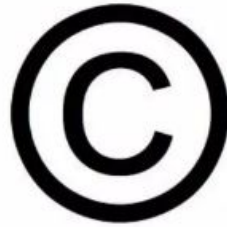


What is Copyright?



copyright

all rights reserved

“The exclusive right given by law for a certain term of years to an author, composer etc. (or his assignee) to print, publish and sell copies of his original work”

(Oxford English Dictionary)

Copyright

Copyright is the set of exclusive rights granted to the author or creator of an original work, including the right to copy, distribute and adapt the work.

Copyright lasts for a certain time period after which the work is said to enter the public domain.

Copyright gives protection for the expression of an idea and not for the idea itself. For example, many authors write textbooks on physics covering various aspects like mechanics, heat, optics etc. Even though these topics are covered in several books by different authors, each author will have a copyright on the book written by him / her, provided the book is not a copy of some other book published earlier.

Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity.

The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

Meaning of copyright

According to Section 14 of the Act, “copyright” means the exclusive right subject to the provisions of this Act, to do or authorise the doing of any of the following acts in respect of a work or any substantial part thereof, namely:-

(a) in the case of a literary, dramatic or musical work, not being a computer programme, -

- (i) to reproduce the work in any material form including the storing of it in any medium by electronic means;
- (ii) to issue copies of the work to the public not being copies already in circulation;
- (iii) to perform the work in public, or communicate it to the public;
- (iv) to make any cinematograph film or sound recording in respect of the work;
- (v) to make any translation of the work;
- (vi) to make any adaptation of the work;
- (vii) to do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi);

(b) in the case of a **computer programme**-

- (i) to do any of the acts specified in clause (a);
- (ii) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme: Provided that such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.

(c) in the case of an **artistic work**-

- (i) to reproduce the work in any material form including depiction in three dimensions of a two dimensional work or in two dimensions of a three dimensional work;
- (ii) to communicate the work to the public;
- (iii) to issue copies of the work to the public not being copies already in circulation;
- (iv) to include the work in any cinematograph film;
- (v) to make any adaptation of the work;
- (vi) to do in relation to an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (iv);

(d) In the case of **cinematograph film** -

- (i) to make a copy of the film, including a photograph of any image forming part thereof;
- (ii) to sell or give on hire, or offer for sale or hire, any copy of the film, regardless of whether such copy has been sold or given on hire on earlier occasions;
- (iii) to communicate the film to the public;

(e) In the case of **sound recording**-

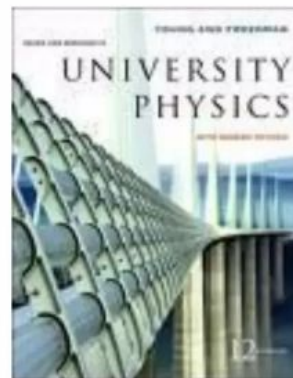
- (i) to make any other sound recording embodying it;
- (ii) to sell or give on hire, or offer for sale or hire, any copy of the sound recording regardless of whether such copy has been sold or given on hire on earlier occasions;
- (iii) to communicate the sound recording to the public.

Explanation : For the purposes of this section, a copy which has been sold once shall be deemed to be a copy already in circulation.

Classes of works for which copyright protection is available

Indian Copyright Act affords separate and exclusive copyright protection to the following 7 classes of work:

- ❑ literary or dramatic work
- ❑ a musical work
- ❑ an artistic work
- ❑ a cinematograph film
- ❑ a sound recording
- ❑ a photograph
- ❑ a computer generated work



Assignment of copyright

Sec.18 of the Copyright Act, 1957 deals with assignment of copyright. The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof.

The mode of assignment should be in the following manner:

- Assignment should be given in writing and signed by the assignor or by his duly authorized agent.
- The assignment should identify the work and specify the rights assigned and the duration and territorial extent of such assignment.
- The assignment should also specify the amount of royalty payable, if any, to the author or his legal heirs during the currency of the assignment and the assignment may be subject to revision, extension or termination on terms mutually agreed upon by the parties.
- Where the assignee does not exercise the rights assigned to him within a period of one year from the date of assignment, the assignment in respect of such rights will be deemed to have lapsed after the expiry of the said period unless otherwise specified in the assignment.

The period of assignment will be deemed to be 5 years from the date of assignment unless specifically mentioned.

Term of copyright

Section 22 to 29 of the Copyright Act, 1957 deals with the term of copyright. Copyright generally lasts for a period of sixty years.

1. In the case of literary, dramatic, musical or artistic works, the sixty year period is counted from the year following the death of the author.
2. In the case of cinematograph films, sound recordings, photographs, posthumous publications, anonymous and pseudonymous publications, works of government and public undertakings and works of international organisations, the 60-year period is counted from the date of publication.
3. In case of Broadcast reproduction right - 25 years from the beginning of the calendar year next following the year in which the broadcast is made.
4. In case of Performers right - 25 years from the beginning of the calendar year next following the year in which the performance is made.

Copyright Infringements

Some of the commonly known acts involving infringement of copyright:

- o Making infringing copies for sale or hire or selling or letting them for hire;
- o Permitting any place for the performance of works in public where such performance constitutes infringement of copyright;
- o Distributing infringing copies for the purpose of trade or to such an extent so as to affect prejudicially the interest of the owner of copyright ;
- o Public exhibition of infringing copies by way of trade; and
- o Importation of infringing copies into India.

Civil Remedies for Copyright Infringement

A copyright owner can take legal action against any person who infringes the copyright in the work. The copyright owner is entitled to remedies by way of injunctions, damages and accounts.

The Criminal Offence

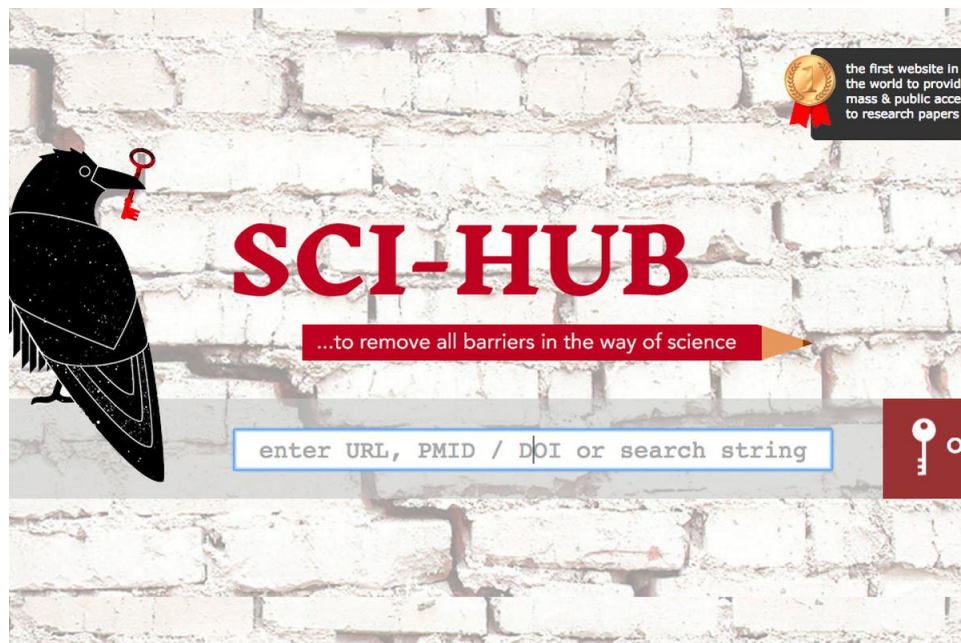
Any person who knowingly infringes or abets the infringement of the copyright in any work commits criminal offence under Section 63 of the Copyright Act. The minimum punishment for infringement of copyright is imprisonment for six months with the minimum fine of Rs. 50,000/-.

In the case of a second and subsequent conviction the minimum punishment is imprisonment for one year and fine of Rs. one lakh.



Hey !

My name is Alexandra Elbakyan and
I'm the person behind this website.
On this page you can find
information about me and why I
created Sci-Hub.

[bio](#)[cv](#)[photo](#)[works
ideas](#)[contact](#)



Despite Hangover 2's success, its publisher, Warner Brothers, was sued by tattoo artist S. Victor Whitmill for using Whitmill's uncredited tattoo design without permission in the film and its promotional materials.

Despite Warner Brothers' claims that their use of the design was protected by the "fair use" policy, Whitmill pursued the case and sought a preliminary injunction that would have prevented the film from hitting theaters on schedule.