

# Copyright: IP Strategy from Creation to Market/Users

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# Creative Industry and Copyright

- ◆ Publishing
- ◆ Films and Media
- ◆ Music Industry
- ◆ Software Industry including Gaming
- ◆ Advertising
- ◆ Performing artists/Theatre
- ◆ Television and Broadcasting channels

# Steps to Manage Copyright

- ◆ Identify your work (S.13)
- ◆ Know your rights (Ss.14, 37, 38)
- ◆ Take steps to identify yourself as author/owner of copyright (S.2(d), S.17)
- ◆ Plan to commercialize by license or assignment (Ss. 18, 19)
- ◆ Know the remedies if infringement: administrative, civil and criminal (Chapter XII & XIII)

# Works Protected under Copyright

- ◆ Literary: Poems, Story, Computer Program
- ◆ Dramatic: Story, play
- ◆ Music: With or without graphical notations
- ◆ Artistic: Photograph, sculpture, painting, drawing, engraving
- ◆ Cinematograph Films
- ◆ Sound Recordings
- ◆ Performances

# Rights for Literary, Dramatic, Musical & Artistic Works

- ◆ Reproduction including Storage in electronic medium
- ◆ Issuing physical copies
- ◆ Performance of work/Communication to public
- ◆ Making of film/Sound recording
- ◆ Translation
- ◆ Adaptation

# Rights of Producers of Films and Sound Recordings

- ◆ To sell or give on commercial rental
- ◆ Offer to sell or give on commercial rental
- ◆ Communicate the work to public
- ◆ Making a copy including storing by electronic means

# Author/Owner of Copyright (S.2(d) and S.17)

- ◆ Default Rule: Author is owner of Copyright
- ◆ Exceptions:
  - ◆ Employee author makes work in the course of employment: Employer is the owner of copyright (contract of service)
  - ◆ In commissioned work, person who pays money in lieu of work is the owner of copyright (only for photographs, portraits, drawings, engravings and films)
  - ◆ Government is the owner for government work
  - ◆ Public undertaking is the owner for work made under it
  - ◆ International organization is owner for work made under it

# Assignment of Copyright (Ss.18, 19)

- ◆ In writing
- ◆ Identify work
- ◆ Specify the rights assigned
- ◆ Duration
- ◆ Territorial extent



# Licences

- ◆ Voluntary Licences
- ◆ Compulsory Licence in published work or work performed in public, which is withheld from public on unreasonable grounds (S.31)
- ◆ Compulsory Licence in unpublished or published work, if the author is dead or unknown or cannot be traced (S.31A)
- ◆ Compulsory Licence for benefit of disabled (S.31B)

# Civil and Criminal Remedies

- ◆ Injunctions
- ◆ Damages
- ◆ Account for profit
- ◆ Fine
- ◆ Imprisonment



Thank You