



Copyright Act

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Introduction

Copyright means the exclusive right subject to the provisions of this act, to do or authorize the doing of any of the following acts in respect of a work. Copyright is a bundle of rights given by the creators of literary, dramatic, musical and artistic works and the producers of cinematography films and sound recordings. The right provided under copyright law include the rights of reproduction of the work, communication of the work to the public, adaptation of work and translation of the work. The scope and duration of protection provided under copyright law varies with the nature of the protected work. Copyright is intended to increase to motivate the creative activity of authors and inventors in order to the benefit of public. Some examples of copyright act are literacy works, dramatic work, musical work, sound recording, artistic work, cinematograph films.

Copyright Law of India

The copyright act 1957 legislated with the exclusive purpose to protect original work including literacy, dramatic, musical, and artistic works, cinematography films, sound recording from unauthorized uses, and computer programing. This act came into effect from January 1958 it states that no person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provision of this act or of any other law for the being in force, but nothing in this section shall be constructed as abrogating any right or jurisdiction. The copyright act 1957 as amended governs the subject of copyright law in India. it was the first post-independence copyright legislation in India and the law has been amended six times since 1957 the most recent amendment was in the year 2012. The author of a work is generally considered as the first owner of the copyright under copyright act 1957. However, for works made in the course of an author's employment under a "contract of service"

or apprenticeship the employer is considered as owner of copyright, in the absence of any agreement to the contrary. Copyright act 1957 lays down the modes of assignment of copyright in India assignment can only be in writing and must specify the work, the period of assignment and the territory for which assignment is made. If the period of assignment is not specified in the agreement it shall be deemed to be 5 years and if the territorial extent of assignment is not specified it shall be presumed to be limited to the territories of India. the purpose of copyright laws has two key purpose the first is to provide continuing incentives encouraging to develop creative works. The second purpose is to facilitate productive use of creative content by the public.

Sections Under Copyright Act 1957

- **SECTION 13** copyright protection is conferred on literary work, dramatic work, musical work, artistic work, cinematography, films and sound recording
- **SECTION 21** when a person commissions of a photography, the painting of a portrait the making of a cinematography film or a sound recording for financial consideration, the author will not be the owner, but the person who commissioned the work. Right and performers right
- **SECTION 39** acts not infringing broadcast reproduction right or performers right
- **SECTION 39A** other provision applying to broadcast reproduction
- **SECTION 45** the author or publisher of, or the owner of the other person interested in the copyright in, any work may make an application in the prescribed fee to registrar of copyright for entering particulars of the work in the register of copyright.
- **SECTION 51** when copyright infringed, copyright in a work shall be deemed to be infringed
- **SECTION 52A** particulars to be included in sound recording and video films

Important Rights Included in Copyright

- To issue copies of work to the public not being copies already in circulation
- To perform the work in public, or communicate in to the public
- To reproduce the work in any material form including the storing of it in any medium by electronic means
- To make any translation of work
- To make any adaption of work

Conclusion

The purpose of copyright act is to protect the author's or artist's intellectual creation in their work and provides the expectation that unless licensed to a third party, they have the exclusive right to use their work.

Reference

Vishwasrao S Mane, Namita Khot. Copyright Act, 1957: A Study with Reference to Selected Cases in India. Journal of Advancements in Library Sciences. 2019; 6(Special Issue 1): 336s-341s.

Copyright Act 1957 <https://copyright.gov.in/documents/copyrightrules1957.pdf>