
CABLE TELEVISION AND INTERNATIONAL GOVERNANCE: AN OVERVIEW

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ABSTRACT

In cable television, the signals are transmitted by cable to the individual television sets. The essence of cable television is that not the original broadcasting organisation, but a third party transmits signals from a single aerial to more than one television set located in different places, such as rooms in hotels and houses in a town. The original purpose was to give subscribers to the service better reception than their individual aerials could provide, particularly in areas of poor reception (so-called shadow zones), such as in valleys where the mountains obstructed the signal, or in towns where high rise blocks were the obstruction, or where individual aerials were not allowed on environmental or other grounds. The transmission by the third party is made to a known public, usually subscribers to the service.

INTRODUCTION

As we know India is a country of curious contradictions. A vast proportion of its population has nowhere to live other than on streets and pavements, in squalor and apparent penury without proper shelter, sanitation or drinking water. But peering into some of the shanties that line our roads, it shouldn't be a surprise to see its inhabitants rapt before a television set. So potent is the power of the idiot box that its demand seems to surpass the need for a decent dwelling. Perhaps this should be no surprise in a country which has been unable to achieve for a vast majority of its citizens the right to a decent standard of living, but, nevertheless where watching televised cricket has been elevated, virtually, to the status of a fundamental right. This phenomenon of burgeoning television audiences is the result of the broadcasting revolution of the 1990. Technological developments, spurred by the satellite invasion, have outpaced the law. In cable television, the signals are transmitted by cable to the individual television sets. The essence of cable television is that not the original broadcasting organisation, but a third party transmits signals from a simple aerial to more than one television set located in different places, such as rooms in hotels or houses in a town. The original purpose was to give the subscribers better reception in shadow zones. The Copyright (Amendment) Act 1983 substituted the definition of 'broadcast'. Broadcast meant communication to public which according to 2(ff) means making any work available for seen or heard or otherwise enjoyed by the public directly that is this definition includes cable television too. However, the Cable Television Networks (Regulation) Act, 1955 defines 'cable service' to mean the transmission by cable programs.

Television was separated from AIR on 1 April 1976 and named DD thus began a new era in the history of television in India. Doordarshan, the national television service of India, is devoted to PSB. Star TV shattered the monopoly of the Doordarshan in cable television. Cable Operators Federation of India (COFI) is a national level; nonprofit organization with its head in New Delhi is a unified body to represent Indian Cable Operator in International and National level. In USA the Copyright Act, 1976 gave copyright licensing to the cable television transmission and jukebox. Thus this paper would like to explore whether justice has been granted to the Cable Operators in Copyright by protecting their right or not.

As the system of cable television emerged:

- (i) Simultaneous diffusion of programmes by wire to improve reception;
- (ii) Recording of programmes and relaying them at different times by cable;

- (iii) Diffusion of modified programmes usually by the insertion of advertising material
- (iv) Programmes originated by the cable company;
- (v) Programmes imported from other regions of the same country or from other countries.

“Cable Television Network” is defined to mean any system consisting of a set of closed transmission paths and associated Signal generation, control and distribution equipment signed to provide cable service for reception by multiple subscribers. Further, ‘programme’ is defined by the Act to mean any television broadcast and includes (i) Exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players; (ii) Any audio or visual or audiovisual live performance or - presentation.

CABLE TELEVISION AND COPYRIGHT OWNERS

The development of the cable television' industry has been fraught with copyright and regulatory problems. The absence of cable copyright liability prior to 1976 created an imbalance in the rights enjoyed by broadcasters, copyright holders and cable operators. These parties hoped that the imbalance would be rectified by the limited copyright liability imposed on cable systems in the Copyright Revision Act of 1976 (Act) and by Federal Communications Commission (FCC or Commission) regulation of cable's use of copyrighted television broadcasts pursuant to the Consensus Agreement of 1972 (Consensus Agreement). Unfortunately this hope has not been fulfilled. Whether copyright liability even exists for retransmission carriers, an important segment of the cable industry remains unclear. This Note contends that the passive carrier exemption in Section 111(a)(3) of the Copyright Revision Act of 1976 should be strictly construed. Carriers that are not entirely passive should not be protected and therefore should obtain the permission of the copyright holder before retransmitting a copyrighted television broadcast signal. In reaching this conclusion, this Note examines the industry and legal settings of the issue, analyzes the retransmission carrier's copyright liability under the Act, and justifies the imposition of copyright liability on certain carriers on the basis of the language and intent of the Act and broader policy considerations.

Ownership and Duration of Broadcast and Cable Television Programme - The Copyright Act 1957 confers on every broadcasting organisation a special right known as ‘broadcast reproduction right’ in respect of its broadcasts. Copyright does not subsist in broadcast and cable programmes⁸⁸. It is because of this reason that special right has been conferred on broadcasting organisations.

Duration of Right in Broadcasts and Cable Programmes - The broadcast reproduction right subsists until 25 years from the beginning of the calendar year next following the year in which the broadcast is made. The Copyright Act 1957 is silent on the term of repeat broadcast. In absence of any specific provision no new broadcast reproduction right is conferred on the repeat broadcast. The Rome Convention 1969 provides for a 20 year term computed from the end of the year in which the broadcast took place. The Satellite Convention 1974 does not establish a term of protection, leaving the matter to domestic legislation.

TRAI's Recommendations On Broadcasting and Distribution Of Cable Television - On 1st October, 2004, the TRAI submitted to the Government of India, its recommendations on broadcasting and distribution of cable television¹.

PROGRAMME CODE AND ADVERTISING CODE: INTRODUCTION OF THE CABLE ACT, 1995

The Cable Act 96 brought into force a Programme Code and an Advertising Code in respect of programmes and advertisements transmitted by cable operators² 'Both codes are haphazardly drafted and contain wide and loosely worded restrictions, most echoing those contained in Article 19(2)³; restrictions in the interest of the integrity of the nation, friendly relations with foreign States, morality, decency, defamation, contempt of court or incitement to an offence and the like. However, some restrictions are wider and not strictly within the scope of Article 19(2). For instance, rule 7(3) of the Cable Television Network Rules, 1994, prohibits advertisements with a religious or political object.⁴

Powers and Penalties under The Cable Act - Where any of these officers have reason to believe that provisions of the Act have been or are being contravened by a cable operator, they may seize and confiscate equipment used by the cable operator for operating the cable network⁵.

Conditional Access System (CAS) - The Cable Television Networks (Regulation) Amendment Act, 2002 introduced what is popularly known as the Conditional Access System (CAS)⁶. The 2002 amendment inserted section 4A in the Cable Television Networks (Regulation) Act, 1995 providing for 'Transmission of programmes through addressable system. The 2002 amendment

¹ Ten Sports v Citizen Consumer & Civic Action Group, SLP (c)

² Taj Television (India) Pvt Ltd v. Union of India

³ Ten Sports v Citizen Consumer & Civic Action Group, SLP (c)

⁴ Pratibha Nathani v UOI, 2004(Bom) 1232

⁵ Kirit Somaiya v. The Chief Secretary, Govt of Maharashtra 2003 (Bom) 61

⁶ Just Society v. UOI 2003 (Bom) 1484

was introduced with a view to address a number of difficulties relating to the working of the cable industry which the Cable Act of 1995 had failed to address. The amendment made it obligatory for every cable operator to transmit or retransmit programmes of pay channels through the addressable system.

Digitalisation of Cable Television - The cable industry in India grew in an unregulated and unorganised environment. The lack of regulation in the initial years contributed to the enormous growth and reach of cable television. As they grew the number of channels vastly increased¹⁰⁵. Higher channel relaying capacity required higher investments which cable operators were either unwilling or unable to make. DTH is in digital format. Digitalisation also creates a two way link with subscribers.⁷

Private Broadcasting - The arrival of STAR TV through satellite telecasting in 1992 shattered the monopoly of DD (Kumar, 1998). From two television channels prior to 1991, Indian viewers were exposed to more than fifty channels by 1996, while there are more than 200 channels today⁸. The initial success of the channels had a snowball effect - more foreign programmers and Indian entrepreneurs flagged off their own versions. Software producers emerged to cater to the programming boom almost overnight. Some talent came from the film industry, some from advertising and some from journalism. The spread of satellite channels like BBC, CNN, NDTV, AajTak, Zee, Sun, ETV and others led to intense competition, not just to DD but also amongst the various private channels. No of satellite television channels naturally led to the entry of offered a variety of channels all under one roof to the only choice of watching DD.

THE BILLS AND COMMITTEE REPORTS RELATED TO CABLE TELEVISION

The Communication Convergence Bill, 2001 - The Communication Convergence Bill, 2001 was introduced to promote, facilitate and develop in an orderly manner the carriage and content of communications, including broadcasting, telecommunication and multimedia⁹. The objects of the proposed legislation are to facilitate the development of national infrastructure for an information based society and to enable access thereto; to provide a choice of services to the citizen; to promote plurality of views and information; establish a regulatory framework for

⁷ British Leyland Motor Company Ltd v Armstrong Patents copyright m ref C9 Ltd [1986] 2 WLR 400

⁸ Purefoy engineering Ltd v Sykes Boxall Ltd (1955) 72 RPC 89

⁹ Jules F. Simon, The Collapse Of Consensus: Effects Of The Deregulation Of Cable Television Columbia Law Review, Vol. 81, No. 3 (Apr., 1981), Pp. 612-638.

carriage and content of communications in the wake of converged technologies and establish a single regulatory and licensing authority.¹⁰

The Broadcasting Bill, 1997 - The Broadcasting Bill was introduced as a direct response to the Supreme Court of India's directive to the Central government in February 1995 to take immediate steps to establish an independent autonomous public authority representative of all sections and interests of society to control and regulate the use of air waves¹¹. It noted that the broadcasting media should be under the control of the public as distinct from the government.¹²

The bill aims To establish an autonomous broadcasting authority for the purposes of facilitating and regulating broadcasting services in India so that they become competitive in terms of quality of services, cost of services and use of new technologies, apart from becoming a catalyst for social change, promotion of values of Indian culture and shaping of a modern vision. It will also curb monopolistic trends in this sensitive field, so that people are provided with a wide range of news and views.

Prasar Bharati Bill, 1989 - The Prasar Bharati Bill was introduced in the Lok Sabha on December 5 30, 1989, by the National Front Government led by V.P. Singh¹³. The purpose of this Bill was to grant autonomy to the electronic media, that is AIR and Doordarshan. The Lok Sabha passed the Bill on August 30, 1990 and the Rajya Sabha approved it on September 6, 1990. The President accorded assent to the Bill soon after.¹⁴ The changes in the original Bill ran as the autonomous Prasar Bharati or Broadcasting Corporation of India will be directly answerable to three authorities—a Parliamentary Committee, the Central Government and the proposed Broadcasting Council¹⁵. The original draft of the Prasar Bharati Bill introduced in the Lok Sabha did not contain any provision for the Parliamentary Committee. The government inserted this provision on August 29, 1990, as one of the 65 amendments proposed by an all-party consensus.¹⁶

¹⁰ Richard A. Posner, The Appropriate Scope of Regulation In The Cable Television Industry, *The Bell Journal Of Economics And Management Science*, Vol. 3, No. 1 (Spring, 1972), Pp. 98-129

¹¹ Bridger M. Mitchell, Robert H. Smiley, Cable, Cities, And Copyrights, *The Bell Journal Of Economics And Management Science*, Vol. 5, No. 1

¹² George R. Borsari Jr., Rachel O. Davis, Cable Television, *Jurimetrics*, Vol. 24, No. 2 (Winter 1984).

¹³ Stephen R. Barnett, Cable Television and Media Concentration, Part I: Control Of Cable Systems By Local Broadcasters, *Stanford Law Review*, Vol. 22, No. 2 (Jan., 1970)

¹⁴ Feldstein, Stuart F., Perspectives On Copyright And Cable Television [Article], *Idea: The Ptc Journal Of Research And Education*, Vol. 17, Issue 3 (1975)

¹⁵ Greene, Susan C., Cable Television Provisions Of The Revised Copyright Act, *Catholic University Law*.

¹⁶ Chenghuan Sean Chu, The Effect of Satellite Entry On Cable Television Prices And Product Quality, *The Rand Journal Of Economics*, Vol. 41, No. 4.

Vergheese Committee - A 12-Member Working Group headed by B.G. Vergheese was set up on August 17, 1977, to go into the working of AIR and Doordarshan and suggest changes.¹⁷ They made wide ranging recommendations to transform All India Radio and Television into a more responsive organization from a mere government department.¹⁸ The two volume report was presented to Parliament on March 9, 1978. In its unanimous report, the working group suggested that the national broadcasting services should be vested exclusively in an independent established by law to act as a legal frame-work of the a trustee for the national interest autonomous national trust, as envisaged or by the working group, was that the establishment of the corporation should not await a constitutional amendment.

FOREIGN COPYRIGHT ACTS AND INTERNATIONAL CONVENTIONS

UK Copyright Act 1956 - Section 14(8) of the UK Copyright Act 1956 provided that such works were to be taken to be seen or heard by a paying audience if they were seen or heard by persons who had been admitted for payment to the place where the broadcast or programme was to be seen or heard, or had been admitted for payment to a place of which that place formed part¹⁹. Communication to the Public of Their Television Broadcasts; Broadcasting organisations enjoy the right to authorise or prohibit the communication to the public of their television broadcasts²⁰. The right is, however, restricted to the public performance of television broadcasts as opposed to sound broadcasts and exercisable only if the communication to the public is made in places accessible to the public against payment of an entrance fee²¹.

Satellite Convention 1974 The Satellite Convention 1974 obliges contracting States to protect the programme-carrying signals, but does not create any rights for copyright owners. Article 2 which is a central article obliges contracting states to take adequate measures to prevent the distribution on or from its territory of any programme-carrying signal by any distributor for whom the signal emitted to or passing through the satellite is not intended.²²

CABLE TELEVISION AND JUDICIAL PRONOUNCEMENT

Traditionally, the Copyright Act of 1909 has been interpreted in such a way as to confer

¹⁷ Federal And State Regulation of Cable Television: An Analysis Of The New Fcc Rules Duke Law Journal

¹⁸ Jane C. Ginsburg, Copyright and Control Over New Technologies of Dissemination, Columbia Law Review, Vol. 101, No. 7 (Nov., 2001), Pp. 1613-1647.

¹⁹ Stephenson Blake v Grant Legros (1916) 33 R.P.C. 406

²⁰ Berne Convention, Ricketson and Ginsburg, paras 12.24-12.27

²¹ Football Association PL v QC Leisure (2008) 3 C.M.L.R. 12

²² Makeen, Copyright in a Global Information Society (2000), Ch 4

copyright liability on the broadcast media.²³ The courts have never read the Act, however, to make cable television systems similarly liable.²⁴ Both broadcasters and copyright owners have challenged the cable industry's exemption from copyright liability. Their contentions can best be understood in the context of the program distribution market. Local television stations may be either network affiliates²⁵ or independent stations.²⁶

In *Intermountain Broadcasting & Television Corp. v. Idaho Microwave Inc*²⁷ three Salt Lake City network affiliates sued an Idaho microwave company and the Twin Falls, Idaho cable system for carrying their signals to Twin Falls subscribers when the local Twin Falls broadcast station held exclusive contracts to carry programming from the three Salt Lake City signals. The plaintiffs' argument, based on unfair competition and unjust enrichment, rather than copyright theory, was rejected at the district court level. The court stated that the plaintiff broadcasters received their profit from the sponsors of the program and "do not and cannot charge the public for their broadcasts. The public was entitled to receive the broadcasts directly and indiscriminately. The court went on to hold that the defendants' cable system was, in principle, no more than an antenna. It "is simply a more expensive and elaborate application of the antenna principle needed for all television reception. It does not otherwise differ from what the owners could do for themselves. The court did note, however, that if the action had been brought by the local Twin Falls broadcast station, the holding might have been in its favor.

Subsequently, in *Cable Vision, Inc. v. KUTV*²⁸ when the Twin Falls cable system brought suit against the local broadcast station for antitrust violations and the broadcaster counterclaimed for tortious interference with contractual rights and unfair competition, the district court found that the cable system was interfering with the exclusive nature of the 129 1975 Subcommittee Hearings broadcaster's contract with the Salt Lake City stations. The implication of this decision was that a cable system could not import distant signals to a market in which the local broadcaster held an exclusive contract to import the same signals into the same market.

While this case was on appeal, the Supreme Court decided *Sears Roebuck & Co. v. Stiffel Co.*

²³ This liability stemmed from judicial interpretation of the meaning of "performance" within the meaning of the 1909 Copyright Act.

²⁴ *Teleprompter Corp. v. CBS*, 415 U.S. 394 (1974)

²⁵ 47 C.F.R.76.5(l) (1976).

²⁶ 47 C.F.R.76.5(n) (1976)

²⁷ 196 F. Supp. 315 (S.D. Idaho 1961)

²⁸ 211 F. Supp 47

22²⁹ and *Compco Corp. v. Day-Brite Lighting*³⁰ two patent cases which settled certain issues relevant to the *Cable Vision* case. *Sears and Compco* held that anyone may copy an unpatented design subject only to the limited protections provided the creator by federal patent law. Applying the *Sears-Compco* rationale to a copyright setting, the Tenth Circuit in *Cable Vision* reversed the district court and noted that "only actions for copyright infringement or such common law actions as are consistent with the primary right of public access to all in the public domain will lie."³¹ Thus, the broadcast industry was left with no legal rights against the use of distant signals by cable television systems.

Copyright owners have also had their day in court against the cable industry. Interestingly enough, the issue of liability for retransmission of copyrighted programs predates the development of cable systems by over thirty years. The issue first arose in *Buck v. Jewell-LaSalle Realty Co*³² when the owner of a copyrighted song sued the management of a Kansas City hotel for distributing the program from a central radio to all public and private rooms by means of a wire distribution system. Finding that the hotel's distribution constituted a "performance" within section 1(e) of the Copyright Act, the Supreme Court held that the retransmission violated the Copyright Act. The Court's analysis was based upon the function which the hotel served. By "(1) installing, (2) supplying electric current to, and (3) operating the radio receiving set and loudspeakers, the hotel went beyond the limits of mere reception of the signal. This "reproduction" was deemed a performance. The Court also indicated that the fact that the hotel had no knowledge of the copyright violation by the radio station was immaterial. The risk of a copyright violation was assumed by the hotel when it distributed the broadcast signal for its own commercial purposes. In a footnote, the Court hinted that if the radio station had not violated the copyright law, an implied license for its reception and further distribution might have arisen in favor of the hotel."³³

in *Fortnightly Corp. v. United Artists Television*³⁴ the first case that specifically challenged the cable industry's asserted exemption from copyright liability. The Supreme Court, however, in a surprisingly unsophisticated analysis of the functions of the cable television system, reversed the lower courts. Justice Stewart, writing for the majority, reasoned that a "performance" takes

²⁹ 376 U.S. 225 (1964)

³⁰ 376 U.S. 234 (1964)

³¹ 335 F.2d at 350

³² 283 U.S. 191 (1931)

³³ Cf. *Buck v. DeBaum*, 40 F.2d 734 (S.D. Cal. 1929)

³⁴ 392 U.S. 390 (1968)

place only when the broadcaster transmits electronic signals over the air. The viewer who merely converts to sight and sound with his receiving equipment can not be said to be "performing." In sum, he explained: "Broadcasters perform. Viewers do not perform." The Court decided that cable's function is most like that of a viewer. Acknowledging that a cable system, unlike a viewer's rooftop antenna, is a complex electronic system, the court nonetheless concluded that "the basic function the equipment serves is little different from that served by the equipment generally furnished by a television viewer. The Jewell-LaSalle doctrine was distinguished in a series of footnotes as a "questionable 35 year old decision" which should be limited to its facts. In the sole dissent, Justice Fortas castigated the majority for its ready abandonment of precedent and for the "disarmingly simple" analysis which the Court adopted, and warned of the "disruptive consequences" in copyright law outside the area of CATV.³⁵

Fortnightly established that cable television systems carrying only local broadcast signals were not liable for copyright payments for retransmitting local signals. In a subsequent case, *Teleprompter Corp. v. CBS*³⁶ the Court determined that under the 1909 Copyright Act, cable systems were not liable for copyright infringement for importing distant broadcast signals, even though the cable television system provided services which were arguably more similar to a broadcaster than a mere retransmitted.

*Cine Vog v Coditel (No, 1)*³⁷, A national German channel transmitted the French film, *Le Boucher*. A Belgian company received it and retransmitted it via cable to subscribers in Brussels and West Belgium. The film was licensed for broadcasting in Germany but not yet in Belgium, in accordance with standard distribution arrangements designed first to exploit the cinema market for the film. The cabling, being unlicensed, was in infringement of Belgian copyright law, but the company argued that the initial broadcast in Germany exhausted any right in the material throughout the EU; the Rome Treaty's policy of free provision of services within the EU demanded that there could be no right over such further treatment of the material as recabbling³⁸.

*Odyssey Communications (P) Ltd V. Lokvidayan Sanghatana*³⁹, The Supreme Court held that the right of a citizen to exhibit films on Doordarshan, subject to terms and conditions imposed

³⁵ *Twentieth Century Music Corp. v. Aiken*, 422 U.S. 151 (1975)

³⁶ 415 U.S. 394 (1974)

³⁷ *Cine Vog v Coditel (No, 1)* 2 PC 525

³⁸ William S. Comanor, Bridger M. Mitchell, *Cable Television And The Impact Of Regulation*, *The Bell Journal Of Economics And Management Science*

³⁹ (1988) 3 SCC 410

by Doordarshan, is a part of the fundamental right of freedom of expression guaranteed under Article 19(1)(a) and can be curtailed Only under the circumstances set Out in Article 19(2).⁴⁰ The Court held that this right is similar to the right of a citizen to publish his views through any other medium such as newspapers, magazines, advertisements, hoardings, etc. In this case, the petitioner challenged exhibition of a serial telecast on Doordarshan titled Honi Anthoni on the ground that the serial encouraged superstition and blind faith. The petition was dismissed since the petitioner failed to show evidence of any prejudice to the public⁴¹.

The right to broadcast in television was also recognised in LIC v. Manubhai Shah⁴². In this case, the subject matter of the challenge was Doordarshan's refusal to telecast a documentary film on the Bhopal Gas Disaster titled Beyond Genocide. Doordarshan refused to telecast the film on various grounds: the film was outdated; it had lost its relevance; it lacked moderation and restraint; it was not fair and balanced; political parties were raising various issues concerning the tragedy; claims for compensation by the victims were 'subjudice'; the film was likely to create commotion in an already charged atmosphere; and the film criticised the action of the State Government⁴³.

Secy., Ministry of Information and Broadcasting v. Cricket Assn. of Bengal⁴⁴, The Court held that due to the limited nature of this resource, it has to be used optimally in the best interests of society by the establishment of a central authority establishing its own broadcasting network or regulating the grant of licences to other agencies which include private agencies¹⁵⁴.

The Decision in the Panel Case⁴⁵ The Panel Case, asserts that a substantial part of Part IV subject matter is not taken by a use of that subject matter unless that use occasions the copyright owner quantifiable harm. As an infringing use must be, among other things, of a substantial part of a work or other subject matter, the effect of the decision is to make some form of quantifiable harm a necessary requirement of copyright infringement⁴⁶

Time Warner Entertainment Company, L.P. and Ors. V. RPG Netcom and Ors⁴⁷. The Plaintiffs,

⁴⁰ Cable Television And Copyright Royalties, The Yale Law Journal

⁴¹ Stephen Hopkins Willard, A New Method Of Calculating Copyright Liability For Cable Rebroadcasting Of Distant Television Signals, The Yale Law Journal

⁴² (1992) 2 SCC 16

⁴³ Niels B. Schaumann, Copyright Protection In The Cable Television Industry: Satellite Retransmission And The Passive Carrier Exemption, Volume 51

⁴⁴ Secy., Ministry of Information and Broadcasting Cricket Association, Bengal (1995) 2 SCC 161

⁴⁵ (1910) 2 CH D 210

⁴⁶ Fred H. Cate, Cable Television And The Compulsory Copyright License, Maurer School Of Law: Indiana University Digital Repository @ Maurer Law

⁴⁷ AIR 2007 Delhi 226.

US based corporations, along with their affiliated companies and concerns are carrying on business of film production. They own various interests in and to the copyright in the films produced by them¹⁵⁹. Defendant is a company which provides cable television services through their associate or affiliated companies, agents, franchises or distributors. The defendants' states that they are Cable TV operator under the Cable TV Networks (Regulations) Act, 1995 and engaged in the business of only receiving satellite/terrestrial transmission of various channels and carrying television software produced by independent production houses and delivering the same at the Signal Injection Point of various other cable operators. The court in its judgment issued a permanent injunction against the defendant, its servants, agents, distributors, etc., restraining them from doing any act, or transmitting signals or broadcasting, or carrying in its network, any cinematograph film or work mentioned in the Annexure to the suit, without prior license of the plaintiff. However, the learned Single judge was silent on the issue pertaining to injunction vis-à-vis the future works⁴⁸.

CONCLUSION

In our daily routine TV becomes a major entertainment in our life without which life get bored. From a legal point of view cable television has three hundred television channels cram the airwaves, there is no organised and effective regulatory mechanism. The concept of 'broadcast reproduction right' is comparatively new in comparison to copyright protection for literary, dramatic, musical and artistic works. In India with the enactment of Indian Copyright Act 1957 the lacunae of not giving any protection in cable television was removed. At international level also, protection was given to broadcast at a later stage. Since broadcasting organisations are either departments of state or public corporations or commercial organisations they require a license from the government in order to operate and make this TV to reach out in all region.

⁴⁸ Stanley M. Besen, Copyright Liability For Cable Television.