
OWNERSHIP OF COPYRIGHT IN UK, US AND INDIA

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ABSTRACT

Copyright refers to the exclusive right to create or reproduce a whole work or any portion therein. Thereof, the copyright in the work is regarded violated if somebody produces or reproduces the entire work or a portion of the work and the work bears the copyright for another person. The owner of the copyright is given exclusive permission to make the work. The Indian Copyright Act, 1957 was modified in 1983 and 1984 to keep up with new technical advancements. In fact, the economic liberalization tsunami that swept over India was a significant step toward the free market and competition. However, one important barrier to India's integration into the global business world was its out-of-date copyright laws. Under the infamous "Super 301" trade sanctions, the United States did continue to classify India as a prohibited country and requested that India improve its patent, copyright, and trademark laws to be on pace with international standards. The Copyright (Second Amendment) Bill, 1992, was brought into Parliament at this time. It is encouraging to learn that the aforementioned Bill was eventually approved in 1994. The goal of the current research was to compare the copyright laws of India, the UK, and the US.

Because of the historical ties between India and Great Britain as well as the fact that Indian legislation on the topic has significantly drawn from the former, it was deemed appropriate to study English copyright law.

The analysis finds that there are significant similarities among the legislation of the three nations under examination when it comes to the "subject-matter of copyright". There is widespread consensus in these three nations that a work's value or quality are questions of personal preference and have no bearing on the definition of what constitutes a work. The quantity of resources utilised to generate the product is not specified, nor is the level of creativity, aptitude, or skill and knowledge required to develop it. Unlike for a patent, where novelty is essential, there is no such requirement for copyright.

INTRODUCTION

Under Indian law, authors of original works of authorship such as literary works (including computer programmes, tables, compilations, computer databases expressed in words, codes, schemes, or in any other form), dramatic, musical, and artistic works, cinematographic films, and sound recordings are granted copyright, a type of intellectual property protection. Literary, dramatic, musical, artistic, cinematographic, and sound recordings are all protected by copyright laws. For instance, the Act protects literary creations like books and computer programmes. The term "copyright" refers to a collection of exclusive rights that Section 14 of the Act grants to the owner of copyright.

Only the copyright owner or another person who has been properly granted permission to do so by the copyright owner may exercise these rights. These rights include the ability to adapt, reproduce, publish, translate, and communicate with the public, among other things. A comparative history of copyright in India shows that the East India Companies' rule brought copyright legislation to the country in 1847. The copyright was granted in accordance with the 1847 enactment for the duration of the author's lifetime plus seven years after death. After then, the Indian government passed a new copyright law that merely extended most of the United Kingdom.

THE DEVELOPMENT OF COPYRIGHT LAW USA, UK, AND INDIA

The history of copyright law dates all the way back to Johannes Gutenberg, who created the printer in Germany in the year 1400. When the printer was first used in England in the year 1483, the copyrights were put into place by King Richard III of England. The English monarch removed the restriction on importing books and literature from other nations in the same year. Finally, once the embargo was repealed, authors from all across Europe shipped their works to England for printing, and they were able to start using the royal licence. The stationer's guild became a company in the year 1516, later in the 14th century.

The members of this corporation were granted exclusive rights to reproduce and publish each other's works; these unique rights applied solely to the members of the firm. King Henry VII gave the crown a monopoly on the printing industry in the next century, or in the year 1529. It was at this time the stationer guild came together to protect their rights of publishing and printing of their books, literatures and manuscripts. As they protested for their rights in the

following decade in the year 1533 King Henry VII banned the import of the works of the stationer company into England for the growth of publishers and printers in England.

The stationer business was granted the right to regulate the book trade by the Royal Charter in 1557, but in order to acquire this power, they had to meet three requirements:

1. Protect the trade quality.
2. Minimize unethical and unprofessional practices.
3. Limited competition.

The rights of the stationer company were first made public in 1661, when the Licensing Act was first made public. However, the members of the business did not have the rights as the owners of the works they published; subsequently, the right was returned to them as part of a commercial agreement.

On April 10th, 1710, the Statute of Anne became operative for the first time. This was regarded as the first copyright legislation in history. This Act served two objectives:

- I. to encourage education among all persons of legal age.
- II. The author received anti-piracy protection.

Following are the act's primary guidelines:

1. The rights to a book stay with the author for 14 years if it is not printed and published by the author. If the author is still living after the first 14 years, the extra 14 years will be added.
2. The infringer must surrender the book on which he infringed and must pay the plaintiff and the crown a total of two-thirds of the proceeds.
3. The book must be registered in the stationer's firm record book prior to publication. Any book purchased before to that point is prohibited and is regarded as infringement.

The Copyright, Designs and Patents Act, 1988, known as the last copyright law, was passed in 1988. The Act protects a variety of works, including those that are literary, dramatic, musical, artistic, sound recordings, on film, and those are typeset in published editions.

Under the UK Copyright Act of 1988, a work must be original and meet set, original requirements in order to be protected by copyright. The following sorts of conduct are prohibited by this Act of 1988: duplicating the work, renting, lending, or issuing copies of the work to the public, displaying the work in public, adapting the work, the right to credit the author, and the right to object to negative treatment.

DEVELOPMENT OF COPYRIGHT LAW IN INDIA

Before and after India's independence, there were two distinct periods of its copyright laws. The majority of English laws were implemented in India while it was under British rule, thus we may argue that the copyright law is a duplicate of British law. The year 1847 saw the introduction of this copyright legislation in India and its enactment. The East India Company pioneered this. The author is granted copyright rights under this statute for their whole lives, and then for an additional seven or forty-two years.

The highest body in the local civil court handled complaints involving violations of these rights. Later, the Copyright Act of 1914, which was modelled after the Act of 1911, supplanted this one. This was India's first modern copyright legislation, and it was the first to include all contemporaneous creative and literary works. After gaining independence, the British colonial system was abolished, and on January 2, 1958, the Copyright Act of 1957, which had superseded the 1911 act of British copyright law, went into effect. This legislation established the Registrar of Copyright body for the purpose of registering works under copyright laws. The copyrights board was established to review copyright-related issues.

The Copyright Act, 1957 is the current law governing copyright in India. The Copyright Rules of 1958 provide support for this measure. The two laws that control copyright in India are these two. The Act of 1957 protects a variety of works, including literary, dramatic, musical, artistic, cinematographic, and sound recording works.

The work must be unique and innovative in order to qualify for protection under this Act. Under this law, the following actions are regarded as acts of infringement: copying, making copies of the work available to the public, Renting or renting the work to the public, displaying the work to the public, sharing the work with the public, and incorporating the work into their own work are all prohibited. Selling the work, distributing or selling it for commercial gain while violating the owner's rights to the work, displaying it for sale to the general public, etc. are examples of secondary infringement.

The actions that are excluded from using works protected by copyright. They are doing things like using the work as a resource, conducting research, offering critique or a review, reporting on the happenings, etc.

DEVELOPMENT OF COPYRIGHT LAW IN USA

The copyright laws of the United States are neither connected to or descended from British English law or copyright laws. The rules governing copyright in the USA were developed independently, leading to the passage of three private copyright laws, two of which had 7-year expiration dates and one with a 5-year expiration date. James Madison and Charles made the copyright clause proposal in the year 1787. The US Constitution was drafted during the same year's Constitutional Convention. Then followed the Copyright Act of 1790, which grants the author rights to the work for a period of 14 years, with the possibility of an additional 14 years if the author is still living at the conclusion of the initial 14 years.

The Copyright Act of 1976, which went into force on January 1st, 1978, serves as the foundation for the present copyright legislation in the United States.

Literary, musical, dramatic, choreographic, photographic, graphic, sculptural, moving images, sound recordings, and architectural works are the categories of works covered by this Act.

Only if the work is fixed and original may it be protected by this law. An original work is one that hasn't been replicated and is by definition unique. Additionally, section 101 of the Copyright Act explains fixed work.

The phrase "the works which are lasting or permanent regardless of whether they are viewed or reproduced" refers to fixed works. Only when the aforementioned requirements are met is the copyright protection process granted. Once the work is completed, copyright protection is granted along with a date and time.

The reproduction, modification, distribution, public performance, and exhibition rights, among others, provide fair use of the work.

If the work violates or infringes the rights of the owner about the work or its creation, it is deemed to have been infringed.

COMPARISON BETWEEN COPYRIGHT LAW OF INDIA, UK AND USA

In India, the idea of copyright ownership is distinct from other types of ownership in tangible objects on which works are fixed. The copyright of a particular book may not necessarily belong to the person who owns it. As a general rule, the author is the original owner of the work's copyright. In order to understand the two distinct conceptions of Ownership and Authorship of Copyright in India, it is important to investigate the Copyright statutes' exceptions to the general norm indicated above. To clarify the aforementioned point, the initial owner of the copyright is the person who commissioned the creation of an artwork, picture, or image for a valuable concept.

Except in cases when the individual is the inventor or creator of the work, the creator/inventor of an idea of invention/creation is not the real proprietor of Copyright in the work. Because of this, if someone gets a great concept and shares it with a dramatist who subsequently adapts it into a play, the original inventor of the idea has no say in the play's outcome. The provisions for acquiring Ownership of Copyright are mentioned in Section 17 of the Copyright Act of 1957. Only those who satisfy the prerequisites outlined in the Copyright Act of 1957 are eligible for the Ownership right. There is no other available remedy to stop the infringement of Ownership of Copyright under other Indian laws.

The original owner of the copyright is intended to be the person who created the work, according to Section 17 of the Copyright Act of 1957. The Copyright Act of 1957 defines the term "author" separately in order to distinguish between "ownership" and "authorship" of copyright in India. The Copyright Act of 1957 provides the definition of author in relation to various works.

According to the 1988 Copyright Designs and Patents Act, the initial owner of a work's copyright in the UK is either the creator, an individual or a group, who has exclusive ownership of the work. In any event, if a work is created as part of employment, the corporation will be the initial owner. Unless otherwise agreed, independent or appointed works typically belong to the person who created them. Copyright is a property that may be given or sold by its owner to another entity or person, just like any other attribute. Any portion of a work that is a copy drawn from a prior work cannot have rights asserted for it.

According to the 1988 Copyright, Designs and Patents Act, the copyright has the following duration:

1. 70 years after the passing of the last surviving author of the work, which applies to literary,

theatrical, artistic, and musical works.

2. Sound recordings: either 70 years from the end of the calendar year in which the work was first issued, or 50 years from the end of the year in which the work was created, whichever comes first.

3. For movies: 70 years after the final day of the year in which the last director, author, or composer passed away.

4. typographical order of published editions- 25 years after the end of the year the book was originally published.

5. Cable programmes and broadcasts: 50 years after the conclusion of the year in which they were first transmitted.

6. Crown Copyright: A work is protected by the Crown Copyright for 125 years following the end of the calendar year in which it was created.

7. Parliamentary Copyright: This legal protection applies to any work generated by, for, or under the direction of the House of Lords or the House of Commons and is valid for 50 years from the end of the year in which it was produced. It's crucial to emphasise that carrying out any of the following actions without the owner's permission is illegal. A director has the following moral rights as well: 1. Copy what was done. 2. Distribute or provide copies of the work to the general public. 3. Publicly perform, broadcast, or screen the work. 4. Modify the piece. 5. The right to authorship disclosure. 6. The ability to object to discriminatory behaviour.

The 17 U.S. code (201 ownership of copyright) provides an explanation of the idea of copyright ownership in the United States.

(A) Initial Ownership: A work covered by this title's copyright originally belongs to the work's author or authors. Co-owners of the copyright in a collaborative work are the individuals who created it.

(B) Pieces Created for Hire: Unless the parties have agreed differently in a formal agreement that has been signed by them, the author of a work that was produced for hire is the employer or other person for whom the work was produced, and they are the owners of all the rights indicated in the copyright.

(C) Contributions to Collective Works: Each unique contribution to a collective work has its own copyright, which is separate from the collective work's overall copyright and originally belongs to the contribution's real inventor. The owner of the copyright in the collective work is presumed to have acquired only the advantage of reproducing and disseminating the contribution as part of that specific collective work, any revision of that collective work, and any later collective work in the same series, absent a transfer of the copyright or of any rights under it.

(D) Transfer of Ownership- (1) A copyright's ownership may be transmitted in whole or in part by any conveyance method or by operation of law. It may also be left in a will or pass as personal property under the appropriate intestate succession rules. (2) Any exclusive rights included in a copyright, as well as any split of the rights listed in section 106, may be transferred as stated in clause (1) and be owned separately. All of the protection and remedies provided to the owner of a copyright by this Act are also available to the owner of any specific exclusive right, to the extent of that right.

(E) Involuntary transfer- No action by any governmental body or other official or organisation attempting to seize, expropriate, transfer, or exercise rights of ownership with respect to the copyright, or any of the exclusive rights under a copyright, shall be given effect under this title, e.g., when an individual author's ownership of a copyright, or of any of the exclusive rights under a copyright, has not previously been transferred voluntarily by that individual author

CONCLUSION

The primary goal of IPR is to assist in addressing development concerns including lowering poverty, promoting economic expansion, enhancing access to education, and promoting all-around sustainable development. One of the most crucial elements of the creative industry is intellectual property rights. Invention, competitiveness, recognition, and financial assistance are all protected under the rights. Having said that, India has joined a number of conventions and treaties relating to intellectual property. IPR must be credited properly. IPR will contribute to the sustainable growth of humanity if we give them the recognition they deserve. Additionally, in order to safeguard patentable discoveries, nations must raise knowledge of intellectual property laws and their roles on a national and worldwide level.