
ACADEMICIAN'S COPYRIGHT: AN ANALYSIS

Dr. Anuradha Dhadge Girme¹ & Adv. Gaurav Joshi²

ABSTRACT

Academician copyright is a complex issue that raises questions about the nature of academic research and the dissemination of knowledge. The primary purpose of copyright law is to protect the intellectual property rights of creators, including academic authors, and to provide them with exclusive control over how their work is used and distributed. The enactment of copyright law can provide several benefits to academic authors, including protection of their intellectual property, financial rewards, recognition, control over distribution, and fostering collaboration and innovation. However, balancing the need for protection and access to scholarly research can be challenging, particularly given the high cost of academic publishing and the increasing demand for open access publishing.

Despite the challenges, copyright law is essential for promoting innovation, economic growth, and preserving cultural heritage. Copyright law provides creators with exclusive rights to their work, which incentivizes them to create new works and continue innovating in their field. This can lead to advancements in technology, science, and the arts, which can benefit society as a whole. Moreover, copyright law can create jobs and drive economic growth in industries such as publishing, film, music, and software development. Additionally, copyright law helps to preserve cultural heritage by protecting the rights of creators of traditional knowledge and folklore. Furthermore, copyright law can promote international cooperation and collaboration by providing a framework for protecting the intellectual property rights of creators across national boundaries.

In conclusion, academician copyright is an important issue for researchers and scholars who want to share their work while still retaining some control over its use and distribution. By striking the right balance between protection and access, we can help to ensure that academic research

¹ Dr. Anuradha Dhadge Girme Assistant Professor in Bharati Vidyapeeth (Deemed to be) University, New Law College, Pune, India.

² Adv. Gaurav Joshi (LLM.), IP Attorney, LLM from Bharati Vidyapeeth (Deemed to be) University, New Law College, Pune, India.

remains a vital tool for advancing knowledge and solving real-world problems.

Introduction

Academics have long been at the forefront of creating and sharing knowledge. Through their research, writing, and teaching, they contribute to the advancement of society and the growth of their respective fields. However, protecting the original works of authorship they create can be a challenge. In this article, we'll explore how academics can protect their creative work through copyright law.

An academic in relation to copyright refers to a scholar or researcher who is actively involved in the study, teaching, and/or research of copyright law and its related fields. They may be a professor, lecturer, researcher, or student who is pursuing advanced studies in the area of copyright law.

Academics in copyright often engage in a wide range of activities, including conducting research, publishing academic papers and articles, teaching copyright law, participating in conferences and seminars, and providing expert opinions in legal proceedings.

Their work helps to advance our understanding of copyright law and its implications for society, and can inform policy decisions related to intellectual property rights and protection.

Who is an Academician?

An academician is an individual who works in the field of academia, which includes universities, colleges, research institutions, and other organizations involved in the production and dissemination of knowledge. Academicians may include professors, researchers, scholars, scientists, and other professionals who are engaged in academic research, teaching, and learning. They may work in various disciplines such as humanities, social sciences, natural sciences, engineering, technology, medicine, and others.

Academics are responsible for conducting research, developing new theories and concepts, and disseminating their findings to a wider audience through academic publications, conferences, and other forms of communication. They may also be involved in teaching and mentoring students, advising policymakers, and contributing to the public discourse on

important issues. Academicians are typically highly trained and educated individuals who hold advanced degrees in their respective fields.

Overall, academicians play a critical role in advancing knowledge and promoting social progress. Through their research and teaching, they contribute to the development of new technologies, policies, and practices that can improve people's lives and create a more sustainable and equitable society.

Tools academicians use to deliver lectures in relation to Copyright

Academicians teaching courses related to copyright law may use a variety of tools to deliver lectures and engage with their students. Some common tools and methods include:

Lectures: Traditional classroom lectures are a common way for academicians to deliver course material. These can be delivered in person or through video conferencing software such as Zoom or Microsoft Teams.

Slideshows: Many academicians use slideshows, such as PowerPoint or Google Slides, to present their lectures. These tools can help to organize and structure the course material and can be shared with students for review.

Videos: Some academicians may use pre-recorded videos to deliver course material, which students can access at their convenience. These videos can be uploaded to a learning management system or shared through a video hosting platform like YouTube.

Interactive Tools: Interactive tools like online quizzes, discussion boards, and collaborative document editing tools like Google Docs can help to engage students and encourage active learning.

Case studies: Academicians may use real-world case studies to illustrate the application of copyright law in practice, helping students to understand how the law is applied in different situations.

Reading materials: Academicians may assign reading materials such as textbooks, academic papers, and legal cases to supplement their lectures and help students to deepen their understanding of copyright law.

What is Copyright Law in General?

Copyright is a type of intellectual property protection that grants creators of original works the exclusive right to use and control their creations. Copyright law protects works such as literature, music, art, software, and other forms of creative expression.

Copyright protection applies to both published and unpublished works, and is granted automatically as soon as the work is created in a fixed, tangible form. This means that the work does not need to be registered with a government agency to receive copyright protection.³

The exclusive rights granted to copyright holders include the right to reproduce the work, distribute copies of the work, create derivative works based on the original, and perform or display the work publicly. These rights allow the copyright holder to control how their work is used and to receive compensation for its use.⁴

Copyright protection typically lasts for the life of the creator plus a certain number of years after their death, although the exact duration of protection varies by country. After the copyright expires, the work enters the public domain and can be used freely by anyone without permission or payment to the original creator.⁵

Copyright law is designed to balance the interests of creators and the public, by encouraging creativity and innovation while also ensuring that the public has access to creative works and can build upon them.

Sec 14 Indian copyright Act, 1957 – Meaning of Copyright

Section 14 of the Copyright Act 1957 in India outlines the exclusive rights granted to the copyright owner of a work. These rights include the right to reproduce the work in any material form, the right to publish the work, the right to communicate the work to the public, the right to make adaptations or translations of the work, the right to distribute copies of the work to the public, and the right to sell or assign these rights to others.⁶

³ <https://www.copyright.gov/help/faq/faq-general.html>

⁴ <https://www.copyright.gov/help/faq/faq-definitions.html>

⁵ https://www.wipo.int/edocs/pubdocs/en/wipo_pub_450.pdf

⁶ Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India)

In essence, Section 14 of the Copyright Act 1957 defines the scope of the exclusive rights granted to the copyright owner of a work. These rights allow the copyright owner to control how their work is used and to receive compensation for its use. The exclusive rights granted under Section 14 apply to a wide range of works, including literary, dramatic, musical, and artistic works, as well as films, sound recordings, and computer software.

Copyright protection is granted automatically as soon as the work is created in a fixed, tangible form, and no registration is required to receive copyright protection. The duration of copyright protection in India is typically the lifetime of the creator plus 60 years after their death. During this period, only the copyright owner or those authorized by them may use the work, unless the use falls under a statutory exception or fair use provision.

Types of Work which can be Copyright?

Copyright law protects a wide range of original works of authorship, which are creative works that have been fixed in a tangible medium of expression. Some examples of works that can be protected under copyright law include:

- a) Literary works, such as books, articles, poems, and computer software programs.
- b) Dramatic works, such as plays and screenplays.
- c) Musical works, such as songs, musical compositions, and jingles.
- d) Artistic works, such as paintings, drawings, sculptures, and photographs.
- e) Film and video works, including motion pictures, documentaries, and television shows.
- f) Sound recordings, such as music albums, podcasts, and audiobooks.
- g) Architectural works, such as buildings and structures.

In general, any work that is original and creative and has been fixed in a tangible form of expression is eligible for copyright protection. The level of protection may vary depending on the specific work and the country in which the work was created, but copyright protection typically grants the copyright owner the exclusive right to control the use and distribution of

the work for a certain period of time.

Term of Copyright Protection in Copyright Act, 1957.

The duration of copyright protection is governed by Section 22 of the Indian Copyright Act 1957.⁷

As per Section 22 of the act, the general rule for calculating the term of copyright protection is as follows:

- a) For literary, dramatic, musical, or artistic works, copyright protection lasts for the lifetime of the author plus 60 years from the year following the author's death.
- b) In the case of joint authorship of a work, the term of copyright protection is the lifetime of the last surviving author plus 60 years.
- c) In the case of posthumous publications or anonymous or pseudonymous works, the term of copyright protection is 60 years from the year of publication of the work.
- d) In the case of cinematographic films, the term of copyright protection is 60 years from the year of publication of the film.
- e) In the case of sound recordings, the term of copyright protection is 60 years from the year of publication of the recording.

It's important to note that the term of copyright protection may vary depending on the specific work and the country in which it was created. Additionally, the term of protection may be extended in certain circumstances, such as in the case of government works or works that are not published or communicated to the public during the author's lifetime.

Why is Copyright Protection Important for Academicians?

Copyright protection is important for academicians for several reasons. Academicians can copyright a wide range of original works of authorship. These can include research papers, textbooks, lecture notes, illustrations, and educational videos. It's important to note that copyright protection may not be available for certain types of works, such as ideas or facts.

⁷ https://indiacode.nic.in/handle/123456789/2269?view_type=browse&sam_handle=123456789/1362

Copyright protection can help to ensure that the integrity of the original work is maintained and that the author's moral rights are respected.

What benefits academician can prevail from implementation of copyright law?

Protection of intellectual property: Copyright law protects the intellectual property rights of academic authors, ensuring that their work is not used or distributed without their permission. This can help to prevent plagiarism and ensure that academic work is properly attributed.⁸

Financial rewards: Copyright law allows academic authors to derive financial benefits from their work by granting them exclusive rights to distribute, sell, and license their work. This can provide financial incentives for academic authors to produce high-quality research and can help to support their ongoing work in their field.⁹

Recognition and attribution: Copyright law requires that works be properly attributed to their authors. This can help to ensure that academic authors receive appropriate recognition for their work and can help to build their reputation in their field.

Control over distribution: Copyright law gives academic authors control over how their work is distributed, which can be important for ensuring that their work reaches the appropriate audience and is used in the right way.

Collaboration and innovation: Copyright law can help to foster collaboration and innovation among academic authors by ensuring that they have a clear legal framework for sharing and building on each other's work. This can help to promote greater creativity and innovation in academic research.

Copyright protection is crucial for academicians for several reasons.

First, it provides legal protection against the unauthorized use, reproduction, or distribution of their original works of authorship. This means that academicians can ensure that they receive appropriate recognition and compensation for their creative efforts.

⁸ Borgman L. Christine, "Copyright and Authorship in the Digital Age", published in the Journal of the American Society for Information Science and Technology, Volume 63, Issue 5 (2012)

⁹ " Moser Petra, "Intellectual Property Rights and the Economics of Scientific Research", published in the Journal of Economic Perspectives, Volume 27, Issue 4 (2013)

Second, copyright protection can encourage the creation and sharing of original works of authorship. This is because copyright law provides incentives for creators to invest time and resources in developing new ideas and sharing them with others. Copyright protection also ensures that authors have the exclusive right to control how their works are used, which can help to promote the dissemination of knowledge.

Third, copyright protection is important for ensuring that the integrity of the original work is maintained and that the author's moral rights are respected. This means that authors can prevent others from distorting or mutilating their works in a way that could damage their reputation or cause harm to society.

In addition to these reasons, copyright protection can also help to foster innovation and creativity in academia. By protecting the original works of authorship created by academicians, copyright law encourages continued innovation and creativity. This can help to advance knowledge and promote the growth of their respective fields.

Overall, copyright protection is essential for academicians because it ensures that their original works of authorship are recognized, respected, and appropriately compensated. It also promotes the dissemination of knowledge, encourages innovation and creativity, and helps to maintain the integrity of the original work.

Works which academicians can copyright?

Section 14 of the Copyright Act, 1957 lists the various works that can be protected under copyright law in India. These works include original literary, dramatic, musical, and artistic works, as well as cinematographic films and sound recordings.¹⁰ Academicians, who are involved in various fields of research and education, create a wide range of works that fall under these categories and can be protected by copyright law.

Literary works are one of the most common types of works that academicians can copyright. These works include books, research papers, journals, articles, and other written materials. In the academic world, researchers and scholars create a significant amount of written material that contributes to the body of knowledge in their respective fields. By copyrighting their

¹⁰ Section 14, Copyright Act, 1957 visit at: <http://copyright.gov.in/Documents/CopyrightRules1957.pdf> [Accessed [10/01/2023]].

works, academicians can ensure that they receive recognition and compensation for their intellectual efforts.

Dramatic works are another type of work that can be protected under copyright law. These include plays, scripts, screenplays, and other theatrical works. Academicians who specialize in the study of drama or theatre, or who create original works for the stage or screen, can benefit greatly from copyright protection. This ensures that their works are not used without their permission, and that they receive proper credit and financial compensation for their creative efforts.

Musical works are also protected under copyright law, including original compositions, songs, and musical scores. Many academicians are involved in music composition and production, particularly those in music schools or departments. By copyrighting their musical works, they can ensure that their intellectual property is protected and that they receive proper recognition and financial compensation for their creative efforts.

Artistic works, such as paintings, sculptures, and photographs, are also eligible for copyright protection. Many academicians specialize in the visual arts and create original works that contribute to the field. By copyrighting their works, they can ensure that their intellectual property is protected and that they receive proper recognition and financial compensation for their creative efforts.

Cinematographic films are another type of work that can be protected under copyright law. Many academicians work in the film industry or create original films for academic purposes. By copyrighting their films, they can ensure that their intellectual property is protected and that they receive proper recognition and financial compensation for their creative efforts.

Finally, sound recordings are also protected under copyright law. This includes original recordings of music, speeches, lectures, and other audio materials. Many academicians create original audio recordings as part of their research or educational work. By copyrighting their sound recordings, they can ensure that their intellectual property is protected and that they receive proper recognition and financial compensation for their creative efforts.

Critical Analysis – Academic Research and Dissemination of knowledge

Academician copyright is a complex issue that raises many questions about the nature of

academic research and the dissemination of knowledge. While copyright law is intended to protect the rights of authors and encourage innovation, it can also limit the ability of researchers to share their work and collaborate with others in their field. Here are some key points to consider when critically analysing academician copyright:

Balance between protection and access: Copyright law is intended to strike a balance between protecting the rights of authors and promoting the dissemination of knowledge. In the case of academician copyright, this means balancing the need to protect authors' intellectual property rights with the desire to promote open access to scholarly research. One challenge is determining the appropriate level of protection and access for different types of academic works.

Publishing industry dynamics: The academic publishing industry plays a significant role in shaping academician copyright practices. Publishers often require authors to transfer their copyright to the publisher in order to publish their work. This can limit the author's ability to share their work freely or make it available online. Some publishers have been criticized for charging high fees to access academic articles, which can limit access to research for those who cannot afford it.

Open access movement: In recent years, there has been a growing movement towards open access publishing, which aims to make scholarly research freely available online. Open access publishing models can help to promote greater access to research, particularly in low-income countries and regions. However, open access publishing can also raise questions about funding models and sustainability.

Collaboration and innovation: Academician copyright can impact the ability of researchers to collaborate and innovate. In some cases, restrictive copyright policies can limit the ability of researchers to share their work with colleagues or use it in new ways. Conversely, open access policies can help to foster greater collaboration and innovation, particularly in interdisciplinary fields.

Conclusion

From the above discussions, it is clear that academician copyright is a complex issue that raises many questions about the nature of academic research and the dissemination of

knowledge. The enactment of copyright law can provide several benefits to academic authors, including protection of their intellectual property, financial rewards, recognition, control over distribution, and fostering collaboration and innovation.

However, the academic publishing industry, funding models, and sustainability are some of the challenges that need to be considered while balancing the need for protection and access to scholarly research. Moreover, the growing movement towards open access publishing can help to promote greater access to research, particularly in low-income countries and regions.

Overall, academician copyright is an important issue for researchers and scholars who want to share their work while still retaining some control over its use and distribution. By striking the right balance between protection and access, we can help to ensure that academic research remains a vital tool for advancing knowledge and solving real-world problems.