
PARANORMAL COPYRIGHT AND INTELLECTUAL PROPERTY: LEGAL OWNERSHIP OF STORIES AND IMAGES ARISING FROM REAL-LIFE PARANORMAL EVENTS

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ABSTRACT

This article examines the intersection of Indian copyright law and intellectual property (IP) with creative works inspired by paranormal phenomena, such as ghost stories, supernatural images, and paranormal footage. The Copyright Act, 1957 and other legal principles in India are analyzed in the context of ownership and protection of creative expressions derived from these mysterious occurrences. The article delves into how key concepts like originality, the idea-expression dichotomy, and public domain apply to these unique works, with references to Indian case law that demonstrates the complexities and challenges of protecting paranormal content. It concludes by discussing the legal recourse for fraud and deception in the context of paranormal claims.

Keywords: Paranormal copyright, intellectual property, ghost stories, supernatural events, idea-expression dichotomy, originality, paranormal footage, Copyright Act, fraud, Indian law.

Introduction:

In India, belief in the paranormal—ranging from ghost stories to supernatural phenomena—is deeply intertwined with culture, folklore, and tradition. As these tales are adapted into various forms of creative media such as films, books, documentaries, and social media content, legal questions about ownership, originality, and intellectual property have started to surface. Specifically, how does Indian copyright law treat works based on paranormal events?

The **Copyright Act, 1957** governs the protection of original works of authorship in India, but the application of this law to paranormal-based works is not straightforward. Paranormal events are often unverifiable and rooted in personal or cultural belief, which creates tension in identifying whether such works can be legally protected.

This article seeks to explore the treatment of paranormal content under Indian copyright law. It examines how core copyright principles, such as originality and the idea-expression dichotomy, apply to creative works inspired by paranormal phenomena. Furthermore, this article highlights key Indian case laws and statutory provisions, providing a legal framework for creators of paranormal content and consumers alike.

I. Indian Copyright Law and the Idea-Expression Dichotomy

The **Copyright Act, 1957**, is the primary statute that governs copyright protection in India. Under Section 13 of the Act, copyright protection is afforded to “original literary, dramatic, musical, and artistic works.” However, like most copyright systems globally, Indian law does not protect ideas, concepts, or facts; it only protects the expression of these ideas. This principle is referred to as the **idea-expression dichotomy**.

When it comes to paranormal phenomena, such as ghost sightings or haunted locations, the events themselves are considered facts. As per the **Copyright Act, 1957**, these facts are unprotectable. What can be copyrighted, however, is the creative expression or narrative surrounding these events, as long as it is original.

Case Law: Eastern Book Company v. D.B. Modak (2008)

In this case, the Supreme Court of India emphasized the importance of the originality requirement for copyright protection. The court held that a mere compilation of facts, even if

it requires substantial labour, cannot be copyrighted unless there is some element of creativity in its expression. This principle is highly relevant to paranormal stories, where the event itself is a fact but its creative retelling or representation may be eligible for copyright protection.

Citation: *Eastern Book Company & Ors. v. D.B. Modak & Anr., AIR 2008 SC 809.*

Thus, while paranormal events (as facts) are unprotectable, the unique artistic or narrative choices that an author or filmmaker uses to describe these events may be protectable under the Copyright Act.

II. Paranormal Stories as Public Domain Facts in India

Under Indian copyright law, the facts or events themselves cannot be copyrighted and are part of the **public domain**. Paranormal stories often fall within this category, especially if they are based on real-life events or long-standing folklore. No individual can claim ownership over these public domain facts; however, the specific manner in which these events are expressed, such as through a novel, a film, or a documentary, can be protected if it meets the originality requirement.

In India, many paranormal stories are derived from local folklore or cultural traditions. For instance, well-known legends like the ghost stories of Bhangarh Fort in Rajasthan or the haunted tales of Dow Hill in West Bengal are public domain facts. However, the originality in retelling these stories—whether through new plots, characters, or creative dialogue—can attract copyright protection.

Case Law: R.G. Anand v. Delux Films (1978)

The Supreme Court of India in this case dealt with the issue of copying ideas and themes. The court held that while copyright subsists in the manner of expression of an idea, the idea itself is not protected. In the context of paranormal stories, this case reinforces the principle that while the underlying ghost story or supernatural occurrence (the idea) is in the public domain, the specific way it is narrated (the expression) is protectable.

Citation: *R.G. Anand v. Delux Films & Ors., AIR 1978 SC 1613.*

III. Originality in Paranormal Storytelling Under Indian Copyright Law

For any work to receive copyright protection in India, it must be **original**, as per Section 13 of the **Copyright Act, 1957**. This means that the work must not be copied from another work and must exhibit some degree of creativity. Paranormal stories, much like any other narrative work, must show originality in their retelling or artistic representation to be eligible for protection.

Authors who draw inspiration from paranormal events or folklore must ensure that they contribute new creative elements to their work, whether it be through character development, plotlines, or artistic depictions. A simple recounting of the event as it allegedly occurred would likely not meet the threshold for originality.

Case Law: University of London Press Ltd. v. University Tutorial Press Ltd. (1916)

This case, although originating from English law, has been applied in India and clarifies the concept of originality. It states that originality does not require novelty but requires that the work originates from the author's skill, labour, and judgment. In the context of paranormal storytelling, this means that while the story may not be entirely new, the author's unique treatment of the event can qualify as original and hence protectable.

Citation: *University of London Press Ltd. v. University Tutorial Press Ltd.*, [1916] 2 Ch 601.

IV. Copyrighting Paranormal Images and Footage: The Indian Perspective

Paranormal investigations often result in images, audio, or video footage that allegedly depict supernatural occurrences. For such works to receive copyright protection in India, they must meet the originality requirement and be fixed in a tangible form. Even if the paranormal event itself cannot be verified, the creative efforts involved in capturing, editing, and presenting the footage could satisfy the requirement for originality under Section 13 of the **Copyright Act, 1957**.

Photographs, audio recordings, or videos that demonstrate artistic skill, such as framing, lighting, or narrative arrangement, are eligible for copyright protection. This protection would not extend to the paranormal event itself but rather to the manner in which it is presented.

Case Law: Amar Nath Sehgal v. Union of India (2005)

This case reaffirmed the principle that original works of art—such as sculptures and

paintings—are entitled to copyright protection. This reasoning can be extended to paranormal footage and images, as long as they demonstrate creative choices in capturing or presenting the alleged supernatural event.

Citation: *Amar Nath Sehgal v. Union of India*, 2005 (30) PTC 253 (Del).

V. Ownership of Paranormal Content in India: The Importance of Contracts

When multiple parties, such as paranormal investigators, filmmakers, and producers, collaborate on creating paranormal content, the question of ownership often arises. In India, the determination of copyright ownership is guided by the principle of “**work for hire**” as outlined in Section 17 of the **Copyright Act, 1957**. The default rule is that the employer or commissioning party owns the copyright, unless otherwise stated in a contractual agreement.

For creators involved in paranormal investigations, it is crucial to have clear contracts in place that define the ownership of any creative output, such as footage or images, to avoid future disputes.

Case Law: Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association (1977)

This case emphasized the importance of contractual agreements in determining copyright ownership when multiple parties are involved. The Supreme Court of India ruled that in the absence of a specific agreement, the copyright ownership would lie with the entity that commissioned the work. This principle is vital for paranormal content creation, where disputes often arise over the ownership of footage or other creative output.

Citation: *Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association*, AIR 1977 SC 1443.

VI. Fraud and Deception in Paranormal Claims: Legal Recourse Under Indian Law

While paranormal content can be a source of entertainment, certain individuals exploit it for fraudulent purposes, offering services like psychic readings or exorcisms in exchange for money. Indian law provides legal recourse for consumers who fall victim to such deceptive practices.

Under the **Consumer Protection Act, 2019**, consumers can file complaints against those offering fraudulent paranormal services. Additionally, the **Indian Penal Code (IPC)** under Sections 415 and 420, which deal with cheating and dishonesty, provides legal avenues for pursuing claims of fraud in the paranormal sector.

Case Law: United States v. Ballard (1944)

While not an Indian case, the *Ballard* case from the U.S. Supreme Court serves as an example of the complexities in litigating paranormal claims, especially when they involve fraud or deception. In this case, the court refused to adjudicate the veracity of religious or supernatural beliefs, highlighting the difficulty courts face when dealing with matters of faith and the paranormal. In the Indian context, the judiciary generally refrains from ruling on the truthfulness of paranormal claims, focusing instead on issues of fraud and misrepresentation under consumer protection and criminal laws.

Citation: *United States v. Ballard*, 322 U.S. 78 (1944)

VII. Concluding Thoughts: Protecting Paranormal Content in India

India's copyright regime under the **Copyright Act, 1957** offers a robust framework for protecting original creative works, including those inspired by paranormal events. However, the complexities of copyright law, particularly the **idea-expression dichotomy**, mean that while paranormal phenomena (as facts or occurrences) cannot be copyrighted, the original creative expressions derived from these events can be.

For those involved in producing paranormal content—whether in literature, film, or digital media—the key is to ensure originality in their creative outputs. By focusing on how these supernatural stories are told, rather than the events themselves, creators can secure copyright protection under Indian law.

Furthermore, contractual agreements play a crucial role in determining ownership, especially in collaborative projects, while the law provides avenues for legal recourse against those engaging in fraudulent paranormal claims. Overall, the intersection of paranormal phenomena and Indian intellectual property law represents a fascinating and evolving area of legal practice that will continue to pose novel challenges as the paranormal genre grows in popularity.

Conclusion

The intersection of Indian copyright law and intellectual property with paranormal content presents a unique challenge. While the **Copyright Act, 1957** provides protection for original works, the nature of paranormal events—often rooted in unverifiable and cultural belief systems—complicates legal ownership claims. The **idea-expression dichotomy** makes it clear that while paranormal events (as facts or occurrences) remain in the public domain, creative expressions that stem from these phenomena, such as films, books, and other forms of media, are eligible for copyright protection if they demonstrate originality.

Paranormal content creators must focus on contributing their own original narrative or artistic interpretations, rather than relying solely on the occurrence of the paranormal event itself, to secure intellectual property rights. In collaborative works, clear contractual agreements are essential for determining ownership. In cases where fraud or deception is involved, Indian law, through provisions in the **Consumer Protection Act, 2019** and **Indian Penal Code (Sections 415 and 420)**, provides recourse to those who fall victim to unscrupulous paranormal claims.

The growth of the paranormal genre in India, coupled with the rapid expansion of digital media, demands a closer look at how legal principles adapt to protect the rights of creators while safeguarding the public from deception. Although the paranormal exists at the fringes of verifiable reality, the laws governing intellectual property in India provide a structured, albeit evolving, framework for dealing with this mysterious and increasingly popular subject matter.

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