

**ADMINISTRATION OF COPYRIGHT PROTECTION IN INDIA:
A STUDY OF COPYRIGHT INFRINGEMENT IN MIZORAM**

**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
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ADMINISTRATION OF COPYRIGHT PROTECTION IN INDIA:

A STUDY OF COPYRIGHT INFRINGEMENT IN MIZORAM

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CERTIFICATE

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The Thesis has been the outcome of his original research work and it does not form a part of any other Thesis submitted for the award of any other degree.

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DECLARATION
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I **K. REMRUATFELA**, hereby declare that the subject matter of this thesis is the record of work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me or to do the best of my knowledge to anybody else, and that the thesis has not been submitted by me for any research degree in any other University/Institute.

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GLOSSARY

ANTON PILLAR	- <i>Court order that provides the right to search premises and seize evidence without prior warning.</i>
APPELLANT	- <i>A party who initiates an appeal against a lower court's Decision</i>
BACKWARD TRACT	- <i>The administrative setup during British colonial times. According to the section 52(A) of Government of India Act, 1919, those regions where the Assam Legislature had the power to enact legislation directly.</i>
CHHINLUNG	. - <i>Ancestral origin of the larger Mizo People.</i>
DEFENDANT	- <i>A person or entity accused of wrong doing or Against whom a legal action is brought.</i>
EXCLUDED AREA	- <i>The administrative setup during British colonial times. According to the Government of India Act, 1935, it was the regions which were directly administered by the Governor with no representation in the Assam legislature</i>
EX-PARTE	- <i>On or from one side or party only.</i>

JHUMMING	- <i>Shifting Cultivation.</i>
INJUNCTION	- <i>A judicial order restraining a person from beginning or continuing an action threatening or invading the legal right of another, or compelling a person to</i>
MENS REA	- <i>Guilty mind</i>
PLAINTIFF	- <i>A party who initiates a law suit in civil case</i>
PRIMA FACIE	- <i>Latin term meaning “at first glance”.</i>
TLAWMNGAIHNA	- <i>The Lushais social & moral code by which every individual knew and discharged his responsibility for the society.</i>
QUASI-JUDICIAL	- <i>Non judicial entity with the authority to interpret the law and adjudicate disputes, similar to a court, but not part of the traditional court system.</i>
SEM SEM DAM DAM EI BIL THI THI	- <i>An incredible tradition centred by the Mizo community which means those who hoard will perish and those who share will live.</i>
STATUTE	- <i>An act of a legislature that declares,</i>

*proscribes, or commands something;
a specific law, expressed in writing.*

SUE

- *To initiate a legal action against someone.*

ZAWLBUK

- *A traditional Mizo bachelor' dormitory, typically located in Mizo villages, serving as a multifunctional communal space for young unmarried men, travelers, and visitors.*

ZOHNAHTHLAK

- *The collective name of Mizo tribes.*

ABBREVIATIONS

ADR	-	Alternative Dispute Resolution
BCCI	-	Board of Cricket Council of India
BCE	-	Before Common Era
BNS	-	Bharatiya Naya Sanhita
BNSS	-	Bharatiya Nagarik Suraksha Sanhita
CD-ROM	-	Compact Disc-Read Only Memory
CEAC	-	Copyright Enforcement Advisory Council
CID	-	Crime Investigation Department
CIPAM	-	Cell for IPR Promotion and Management
CGPDTM	-	Controller General of Patents, Designs and Trade Marks
CPC	-	Civil Procedure Code
CYMA	-	Central Young Mizo Association
DMCA	-	Digital Millenium Copyright Act
DoT	-	Department of Telecommunications
GATT	-	General Agreement on Trade and Tariff
ICS	-	Indian Civil Service
IP	-	Intellectual Property
IPAB	-	Intellectual Property Appellate Board
IPC	-	Indian Penal Code
IPR	-	Intellectual Property Rights

IT	-	Information Technology
JMFC	-	Judicial Magistrate First Class
MAL	-	Mizo Academy of Letters
MeitY	-	Ministry of Electronics and Information Technology
MCL	-	MC Lalrinthanga Publications
MCSTE	-	Mizoram Council of Science, Technology & Environment
MDM	-	Music Domain Mizoram
MISRAC	-	Mizoram State Remote Sensing Application Centre
MISTIC	-	Mizoram Science & Technology & Innovation Council
MNF	-	Mizo National Front
MOS	-	Memmorandum of Settlement
MPS	-	Mizo Poetru Society
MWA	-	Mizo Writers Association
MZU	-	Mizoram University
MZI	-	Mizo Zaimi Insuihkhawm
NGO	-	Non-Governmental Organizations
NIPR	-	National Intellectual Property Rights
NJA	-	National Judicial Academy
PIC	-	Patent Information Centre
SCC	-	Supreme Court Cases
TRIPS	-	Trade Related Aspects of Intellectual Property Rights
TV	-	Television

UK	-	United Kingdom
UNDHR	-	United Nations Declarations of Human Rights
UNDRIP	-	United Nations Declaration for the Rights of Indigenous People
UCC	-	Universal Copyright Convention
USA	-	United States of America
VC	-	Village Council
WCT	-	WIPO Copyright Treaty
WIPO	-	World Intellectual Property Organization
WPPT	-	WIPO Performances and Phonograms Treaty

REFERRED CASES

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- Donoghue v. Allied Newspaper Ltd(1937) 3 Ch. D. 503
- Eastern Book Company & Others v. DB Modak & Another, AIR 2008 SC 809
- L. Biakchhunga v. State of Mizoram, (2006) 2 Gau LR 610: (2006) 3 Gau. LT 785
- Najma Heptulla v. Orient Longman Ltd., AIR 1986 Del 63
- Ratna Sagar (P) Ltd. V. Trisea Publications & Ors., 1996 ptc (16) 597
- RG Anand v. M/S Delux Films & Ors AIR 1978 SC 1613
- Sajeev Pillai V. VenuKunnapalli&Anr2019, SCC Online Ker 5338
- Sarla A. Saraogi & Ors vs. Khrishna Kishore Singh 2023, DHC 4631
- Star India (P) Ltd. V. Piyush Agarwal & Ors, C.S. (O.S.) No.2722/2012, Del Hc
- State of Mizoram vs. Lalremsiama of Criminal Trial No. 1444 of 2022 , Aizawl Judicial District, Aizawl, Mizoram
- State of Mizoram vs. Samuel Lalpekhlua of Criminal Trial No. 180 of 2023, Aizawl Judicial District, Aizawl, Mizoram
- Time Warner Entertainment Company, LP & Others v. RPG Netcom 2007 (34) PTC 668 (Del) (DB)
- TV Software Communication Ltd. vs. 1337X.TO &ors, 2019 SCC OnLine Del 800.

CHAPTER - 1

INTRODUCTION

Man is created as a social animal, meant to live together with dignity. All men have their own inner qualities, unique talents, thoughts, and abilities. When each of their ideas is turned into a work, it automatically becomes a copyrighted work, and the owner of the copyright has the sole authority to do or permit others to do so with regard to his creative work and to forbid others from doing so without his consent.

Copyright, in simple terms, refers to the exclusive right to copy or reproduce a work for which the author holds copyright. It is the right, either directly or through authorized agents, to conduct specific activities with literary, dramatic, musical, and creative works as well as with motion pictures and sound recordings. Copyright reflects creative labor and is a result of human skill and mental power. It falls within the category of intellectual property, which is defined as property produced by the "human brain."

The object of Copyright law is to motivate the authors, music composers, and singers to innovatively create original pieces of work by granting them the exclusive right of use of their creative products and means to earn money at least for a particular period without being copied by others. Meanwhile, due to growth in technology, science, etc., there are several instances when the original creative works were copied by unscrupulous people for their selfish ends who started deriving undue benefits to themselves and misusing them. Hence, the need for enacting an Act like Copyright Act was felt necessary to protect the authors whose human skills and brain power must be useful for augmenting income for their economic progress.

According to the Berne Convention on Copyright, the term "literary work" includes every production in the literary and scientific domain, whatever the mode or form of expression. For example, books, pamphlets, writings, lectures, addresses, sermons, musical works, etc., are considered literary works. The phrase

"Thought need not be original, but it must not be copied from another work"¹ is relevant here. It is also pertinent to note that headnotes on law reports, commentaries on statutes, speeches, etc., are also considered to be literary works eligible for copyright.

The owner of a copyright has the exclusive and absolute right to perform all acts related to the work for which they got the copyright. If anyone performs an act on a copyrighted work without authorization, whether through consent, a license, or assignment, and commercially exploits the work for profit, they are infringing on the copyright². Due to advances in technology and increased commercial viability, the prevalence of copyright infringement has increased.

Likewise in the Mizo community, the acts of infringement of other copyrighted works have now become an alarming issue. It can be presumed that it has a strong foundation in the society. There are now many issues in regards to the ownership dispute of copyright works. It can be noted that authors of the copyright works like writers, songwriters, singers, etc., have been severely suffering from economic exploitation from the infringer, reproducing their creative work for personal gain without giving proper credit. Likewise, copyright infringement has now become a great menace even in the community of the Mizo people.

Meanwhile, steps have not yet been properly taken from the authorities for implementing the Copyright Act, 1957, and for protecting the rights of the authors of the copyrighted works till today, which can result in the moral and economic degradation of day-to-day life. Due to the administrative inefficiency and lack of public awareness, many authors of a copyrighted works sleep over their rights

¹The Berne Convention for the Protection of Literary and Artistic Works (1886) is an international agreement that sets minimum standards for the protection of works, including "literary works" as any work expressed in writing, speech, or other forms, with the caveat that they should not be directly copied from existing works.

²Copyright infringement occurs when an individual or entity reproduces, distributes, performs, or otherwise uses a copyrighted work without the authorization of the copyright holder. The Copyright Act, 1957 defines infringement as any unauthorized use of copyrighted material that violates the exclusive rights of the author or copyright holder.

without getting proper remedy even when their copyrighted work has been infringed upon. They do not know how to sue the infringer and where to get remedy and damages. At the same time, the infringer was also not aware on how they can be punished for infringing on other copyrighted works. As such, it is of utmost necessity to closely study copyright law in order to make aware the public on civic sense and for the growth of the society - morally and economically.

This study provided an analytical study of these concerns, with an emphasis on literary works, by interviewing relevant stakeholders with reference to the Copyright Act, 1957. The research also examined whether copyright infringement is deeply ingrained in the Mizo community, its negative impact on the community, and how it affects both the moral and economic fabric of society. The researcher aimed to provide clear, accessible answers and conduct a critical review of existing copyright laws to raise awareness among the authorities regarding the need to adapt the Indian Copyright Act to the social context of the Mizo community³.

Review of Literature

There are numerous books that discuss Mizoram's Administrative structure, Intellectual Property Rights (IPR), and Copyright legislation. Nevertheless, there isn't a single book or journal that specifically addresses Copyright regulations and copyright violations pertaining to the Mizo community. The following is a survey of the books that addressed Mizoram's administrative structure and copyright law in general:

RN Prasad (1987) in his book '*Government and Politics in Mizoram*' draws attention to the Mizos' ethnological, cultural, and administrative background. It also discusses how early politics developed and led to the establishment of the District Council for the Mizos and the Regional Council for the major tribes - Pawi, Lakher,

³The Copyright Act, 1957 provides legal protection for a wide range of works, including literary, musical, artistic, and cinematographic works. However, the law must be adapted to address specific regional and cultural concerns, such as those faced by the Mizo community, in order to effectively prevent infringement and promote fair use.

and Chakma, who were then able to handle their local affairs independently. In addition to other political groups, it examines the Mizo National Front, violence, secessionism, counterinsurgency tactics, and their effects on socioeconomic development, electoral politics, and voting patterns. Additionally, there has been discussion of the constitutional politics that led to the creation of the Mizoram/State and government union territory.⁴

Hargovind Joshi (2005) in his book *'Mizoram: Past & Present'* portrayed the tumultuous history of Mizoram and Mizo society in great detail. Covering Mizoram's previous history, social mores, ethnicity, culture, economic advancements, polity, administration, etc., this compendium provides authentic kaleidoscopic narrative. It is predicated on secondary sources, including government records, notices, journals, novels, British official memoirs, committee and commission reports, and the research findings of Mizo academics and other researchers. A Current Overview of Mizoram Among the main subjects that are thoroughly discussed are the following: Historical Review; Social Life in Family and Village; Religion and Transformation; Art, Crafts, and Cultural Forms; Towards Economic Growth and Development; Development Strategy; and Phase of Insurgency in Mizoram.⁵

RN Prasad & P. Chakraborty (2006) in their book *'Administration of Justice in Mizoram'* focuses on the two justice systems that coexist and produce mess/hutch-putch: custom-based justice and contemporary legal justice based on the rule of law. Justice based on custom is not codified. The 1937 justice regulations, which were created by the colonial rulers, form the basis of contemporary law. Previously, the Mizo Society had virtually no crime. The creation of neo-middle-class rich and poor people, the concentration of riches at the top and poverty at the bottom of the social

⁴ RN Prasad (1987): Examined the growth of early politics resulting in the formation of the District Council for the Mizos and the Regional Council for the major tribes, pawilakher and chakma to manage their local affairs by their own genius
Prasad, RN (1987). *Government and Politics in Mizoram*. Vikas Publication House.

⁵Hargovind Joshi (2005): Analysed the statutory provision of law in respect to law relating to copyright and compared Copyright law in India with the foreign countries, especially America and England.
Joshi, Hargovind (2005). *Mizoram: Past & Present*. Mittal Publications.

hierarchy, the expansion of the money economy, and the weakening of social ties are all contributing factors to the current rise in criminal and civil crimes.⁶

J. Zorema (2007) in his book '*Indirect Rule in Mizoram 1890 – 1954*' covers critical analysis of the British rule in the Assamese Lushai Hills, which was continued by the traditional Lal or Chiefs from the establishment of the Lushai Hill District in 1898 to the abolition of chiefship in 1954. The work of the succeeding superintendents in upholding and bolstering the indirect rule or rule through the chiefs system is especially highlighted in the book. The dynamics and factors that put the system under stress and ultimately led to its demise are also thoroughly examined.⁷

Jagadish Kumar Patnaik (2008) in his book '*Mizoram - Dimensions & Perspectives*' addressing Mizoram with the postaccord. Its contents differ from those of popular literature. This book explores additional implications of civil society, in contrast to the conventional method of connecting everything to the disruptions the state experienced during its creation as a distinct state of the Indian Union. In light of empirical reality, the authors of this volume have attempted to sort through these. The collection includes the contributions of numerous academics working in the topic, the bulk of whom are young Mizo researchers.

KC Kabra (2008) in his book, '*Economic growth of Mizoram*' aims to understand the dynamics of the socio-psychic system through twenty-two papers presented at the 15th Annual Conference of the National Academy of Psychology, held in Faizabad. Social discrimination, social identity development, citizenship, intercultural relationships, cognitive artifacts, vedantic action, theory of mind,

⁶ RN Prasad & P. Chakraborty (2006): Examined, compared and analyzed the pre-independent and post-independent justice rules in Mizoram.
Prasad, RN & Chakraborty, P (2006). *Administration of Justice in Mizoram*. Mittal Publications.

⁷ J. Zorema. (2007): Examined British administration in the Lushai Hills of Assam carried on through the traditional Chiefs or Lal from the creation of the Lushai Hill District in 1898 to the end of Chiefship in 1954
Zorema, J (2007). *Indirect Rule in Mizoram 1890 – 1954*. Mittal Publications.

attachment pattern, disability, belief systems, coping with illness, health, and well-being in relation to Mizoram are just a few of the many topics it covers.⁸

PM Bhaksi (2009) in his book '*The Constitution of India*' got comprehensive coverage on the constitution which provides the most accurate and up-to-date information on legislative developments and significant judicial pronouncement. It covers all the amendments up to the Constitution (One Hundred and Fifth Amendment) Act, 2021.⁹

RintluangaPachau (2009) in his book '*Mizoram: A study in comprehensive geography*' limited to geographic analysis and description of Mizoram. It provides a comprehensive overview of the nation's least well-known state from the viewpoints of several geographic disciplines. The book is actually the result of the author's battle to gather pertinent material during his time as a research scholar and instructor. He made it his mission to provide trustworthy data and information in order to meet the demands of students and other research scholars. This is accomplished by thoroughly comparing the data, confirming their legitimacy before using them solely for analysis. The book stands out from other books about Mizoram geography or anything else because of its effort, data authenticity, methodical presentation, and pictures.¹⁰

Sukanta Kumar Nanda (2009) in his article "*Evolution and Development of Law of Copyrights*" mentioned the nature of intellectual property and traced the dynamic changes and development of Copyright law in India. He particularly

⁸ KC Kabra (2008): Comprehended the dynamics of the socio-psychic system in Mioram. Kabra, KC (2008). *Economic growth of Mizoram*. Concept Publising Company Pvt. Ltd.

⁹ PM Bhaksi (2009): Covered all the chapters of the Indian constitution and provided the most accurate and up-to-date information on legislative developments and significant judicial pronouncement. Bhaksi, PM (2009). *The Constitution of India*. Eastern Book Company.

¹⁰ RintluangaPachau (2009): Analyzed the geographical description of Mizoram. It also provided a comprehensive overview of the nation's least well-known state from the viewpoints of several geographic disciplines Pachau, Rintluanga (2009). *Mizoram: A study in comprehensive geography*. Northern Book Centre.

confines his work on India and excludes the evolution of copyright legislation in other countries.¹¹

BL Hansaria (2010) in his book '*Six Schedule of Indian Constitution*' gave an in-depth analysis of the constitutional provisions with reference to the recent decided cases on the subject. The book is a 'comprehensive compendium' of information related to sixth schedule. It gives an insight to the nature of the sixth schedule enshrined under the constitution of India. It is an important addition to the subject which fills the vacuum in this branch of law.¹²

P. Jagannathan (2010) in his book, '*Intellectual Property Rights – II*' covering all pertinent intellectual property laws in India in order to comprehend and adapt to the evolving needs of society, innovative law, and creative activity that benefits society. The book was put together with the intention of raising readers' awareness of IPR and acquainting them with the legal and administrative processes around intellectual property rights in India. It is not limited to copyright laws and their violations. It draws attention to the fundamentals of copyright law generally.¹³

Cheryl L Slay & David J Moser (2012) in their book, '*Music Copyright Law*' encompasses the examination of the relevant law in-force in respect to the musical industry. It is vital for an in-depth understanding of the foundation of the musical industry and how it is protected through the copyright law. The author highlights the common problems of all the persons involved in the musical industry like Songwriters, Singers, Musicians, Directors, etc., and also vehemently emphasises the benefits of registering their works under copyright law. Also, the author mentioned

¹¹Sukanta Kumar Nanda (2009): Traces the development of copyright law in India without comparing it to international trends.

Nanda, S. K. (2009). *Evolution and Development of Law of Copyrights*. Edward Elgar Publishing

¹²BL Hansaria (2010): Analysed the constitutional provisions with reference to the recent decided cases on the subject.

Hansaria, BL (2010). *Sixth Schedule of Indian Constitution*. Universal Law Publishing Company.

¹³P. Jagannathan (2010): Jagannathan's work focuses broadly on intellectual property rights in India, not limited to copyright law.

Jagannathan, P. (2010). *Intellectual Property Rights – II*. UshaJaganath Law Series.

the precautionary measures against economic exploitation, and what to do when our copyrighted material has been infringed upon. It is narrow and inclusive, and is useful in showing the basic structural foundation of the protection of the musical industry available under copyright law.¹⁴

Andres Sawicki (2015) in his book '*Repeat on infringement in the Digital Millennium Copyright*' highlights the repeated and the common form of infringement of others Copyright work in respect to Digital work. He illustrated the unintentional violation of copyright law, and the practices of digital users which can indirectly lead to the infringement of other's Copyrighted works.¹⁵

GB Reddy (2015) in his book, '*Copyright Law in India*' focuses on the law available for copyright protection which is presently relevant in force. It depicts a glimpse of the law available for the protection of copyright holders in India. The author has a critical study of the existing statutory law based on judicial verdicts, Judge's opinions and reviews. It also extensively highlights the co-relation of the Copyright law and the Constitution. The author particularly focuses on the rights and dignity of the copyright holders based on Constitutional rights, legal rights and statutory rights. Meanwhile, the author failed to focus on the duties and liabilities of the copyright holder, which they need to pay for the security of. It seems that the book is of a narrow-minded view and has an absence of comparative analytical study.¹⁶

M. Venkatarman (2016) in his book, '*A brief Insight of Copyright in India*' mainly focuses on the nature, origin and concept of copyright law in India. It conveys Copyright as one of the subject-matter of Intellectual property law and a key

¹⁴Cheryl L. Slay & David J. Moser (2012): Focuses on copyright issues in the music industry and the protection of creative works, without exploring deeper legal complexities.
Slay, C. L., & Moser, D. J. (2012). *Music Copyright Law*. Boston Publishing.

¹⁵Andres Sawicki (2015): Examines the unintentional infringement of copyright in the digital age. Sawicki, A. (2015). *Repeat on Infringement in the Digital Millennium Copyright*. University of Chicago Press.

¹⁶GB Reddy (2015): A critical study of Indian copyright law, but lacks focus on the duties and liabilities of copyright holders.
Reddy, G. B. (2015). *Copyright Law in India*. Gogia Law Agency.

point in the field of human resource development. The author highlights the historical development of Copyright law and also covers a brief introduction of the Copyright Act, 1957 in a simple language and a simple manner. He depicts copyright law as an exclusive right for the copyright holder to utilise their innovative work for his personal gains without any economic exploitation from others. The book is not a critical study of existing statutory law and is only a glimpse of an overall introduction of copyright law in India.¹⁷

Bharat Das (2017) in his article "*Enforcement of Right of Author under Copyright Law*," mentioned different kinds of rights available for the author and also highlights the law available for the enforcement of rights under Copyright law. The article is concentrated only on the rights of the author and failed to mention the responsibilities of the author.¹⁸ Akash Kamal Mishra (2020) in his book, '*Media Laws in India (A brief observation)*' illustrates a brief observation of the evolution of Media Law in India. The author highlights the historical background of Media in Ancient India, Medieval India and in the Modern India. It confined only on the development of Media law and how far it is embedded under the constitution of India. It also reflects the tendency of infringing other's copyrighted works in respect to Media law and also ends up with the suggestion on how to overcome it. Although the author wrote this book while excluding the intellectual property law, it is very instrumental to learn the sensitivity of unintentional infringement of other's copyrighted works in a different aspect and in a different manner.¹⁹

Justice Jay and Patel (2018) in his article "*Copyright Enforcement in India and Global World*," demonstrated the practical enforcement of copyright law in India

¹⁷M. Venkatarman (2016): This book serves as an introduction to copyright law in India, providing historical context without delving into critical analysis or enforcement challenges.
Venkatarman, M. (2016). *A Brief Insight of Copyright in India*. Independently Published.

¹⁸Bharat Das (2017): Focuses on the rights of authors but does not address their responsibilities under copyright law.
Das, B. (2017). *Enforcement of Rights of Authors under Copyright Law*. PHI Learning Publication.

¹⁹Akash Kamal Mishra (2020): Examines media law in India, highlighting the issue of unintentional copyright infringement in media.
Mishra, A. K. (2020). *Media Laws in India (A Brief Observation)*. Notion Press.

and foreign countries. He critically analysed how far the laws of the state in respect to the Copyright laws have been enforced and what possible steps have been taken by the administrators for protecting the Copyright owners so far. He particularly confines on the law of enforcement and does not go into detail about the study of the law's origin, nature, concept and objectives of Copyright law.²⁰

Kung Chung Liu & Racherla Uday (2019) in their book, '*Innovation, Economic Development, and Intellectual Property in India and China: Comparing Six Economic Sectors*' reflects a comparison of the two countries i.e. India and China in the development of the big six economic sectors by ways of Innovation, Economic Development and Intellectual property. The author analyses these governances systematically and tries to find out of how they can have a great impact for the fostering of the six economic sectors in both countries. It does not focus on intellectual property but on the role and importance of creativity/creative works for the boosting of economic sectors. The book highlights the impact of intellectual property in six economic sectors of India and China. Though, it does not talk about the copyright law and copyright infringement, but it is instrumental in learning of the nature and the basic concept of intellectual property law.²¹

Animesh Ray (2020) in his book '*Mizoram*' particularly dealt about Mizoram. The Author categorized the knowledge of the book in the different sections like Land, Climate, People, Festivals & Clothing. He described Mizoram as a storehouse of natural beauty with its wide variety of landscapes, steep terrains,

²⁰Justice Jay and Patel (2018): Focuses on the enforcement of copyright law, without addressing the law's origin or broader concepts.
Jay, J., & Patel, (2018). *Copyright Enforcement in India and Global World*. Journal of Business Ethics.

²¹Kung Chung Liu & Racherla Uday (2019): Compares the role of intellectual property in India and China's economic development, without focusing on copyright law.
Liu, K. C., & Uday, R. (2019). *Innovation, Economic Development, and Intellectual Property in India and China*. Springer Verlag.

meandering streams, deep gorges, and abundant flora and wildlife while standing atop the high hills in the northeastern part.²²

Patent Information Centre (2020) in the book, '*Mizoram Science & Technology & Innovation Council (MISTIC): Intellectual Property Rights*' covers Copyright law in the Mizo vernacular. The book covers the general introduction of Intellectual Property Rights and its branches like Patent, Trademark, Copyright, Design, Geographical Indication, Plant variety and Semiconductor Integrated Circuit layout design. It reflects the basic nature of all the branches of Intellectual Property Rights in a simple manner so as to educate the public in a broad way. Meanwhile, it is not an analytical study of intellectual property rights, and it does not cover the examination of Mizo society in consistence with the Copyright laws, which makes the book rather incomplete.²³

Sharma Ayush (2020) in his article, '*Indian Perspective of Fair Dealing under Copyright Law*', illustrated the stands of India in respect to the implementation of Copyright law. He critically analysed the concept of fair dealing and draws the limitation of the utilization of other's copyrights work by way of fair dealing. Meanwhile, as the article only confined on exceptional provisions of copyright infringement, there are numerous things left to study on Copyright law which needs further research.²⁴

Jatindra Kumar Das (2021) in his book, '*Law of Copyright*' tries to analyse the judicial pronouncement in respect of copyright law in India as well as foreign Courts.

²²Animesh Ray (2020): Narrated the natural beauty of Mizoram categorizing in the different sections like Land, Climate, People, Festivals& Clothing.
Ray, Animesh (2020). *Mizoram*. National Book Trust

²³Patent Information Centre (2020): Overview of IPR in Mizoram, lacking in-depth analysis of copyright law in the region.
Patent Information Centre (2020). *MISTIC: Intellectual Property Rights*.

²⁴Sharma Ayush (2020): Analyzes the concept of fair dealing in Indian copyright law but does not cover the broader scope of copyright issues.
Ayush, S. (2020). *Indian Perspective of Fair Dealing under Copyright Law*. National Law Institute University.

It laid great stress on the analytical study of the statutory provision of law in respect to law relating to copyright. It also covers a comparative study of copyright law in India with the foreign countries, especially America and England. Its main aspect is testing the relationship between statutory provision and the judicial verdict in respect to copyright law.²⁵

John Geiger & Howard Suber (2023) in their book, '*Creativity and Copyright*' gave a complete structural foundation of Intellectual Property law through international conventions, treaties and summits. It highlights how the law in respect to Intellectual property has been formed and how it is has evolved. And among the intellectual property law, the author specifically confined on Copyright law. The book is important for understanding the line between copyrighted material and what they create. It reflects the relationship between creativity and copyrights and how it should be protected from any all kinds of infringement. However, it fails to draw the lines between copyright infringement and its general exception.²⁶

VS AbhidaBeegum (2024) in his book, '*Indian Internet Copyright Law*' deals with the rights of copyright holder in the digital world. The author's main emphasis is the need to protect the copyright holder from unauthorised use of their copyright work, which leads to economic exploitation. The author vehemently urged the government to introduce a specific law for the protection of copyright holders, so as to inspire them to expand their creative ideas in a broader way without any fear and favour. In addition, he conducted a thorough analysis of the court ruling regarding copyright holder protection in relation to US law. The book pays little attention to other copyright rules and focuses only on the rights of the copyright holder.²⁷

²⁵Jatindra Kumar Das (2021): A comparative analysis of copyright law in India and foreign courts. Das, J. K. (2021).*Law of Copyright*. PHI Learning.

²⁶John Geiger & Howard Suber (2019): Focuses on the evolution of copyright law and its relationship with creativity but lacks clarity on copyright infringement exceptions. Geiger, J., & Suber, H. (2019).*Creativity and Copyright*. University of California Press.

²⁷VS AbhidaBeegum (2014): Examined the administration of copyright law in India. He also urged the government to introduce a specific law for the protection of copyright holders.

Research gap

Copyright law is a new issue in the Mizo community. It is pertinent to mention here that till date no attempt has been made for studying the problems and prospects of copyright infringement in respect of the Mizo community. There is no book or journal which particularly deals with copyright laws as well as copyright infringement in the Mizo community. Non-availability of material in respect of Mizo community is a major cause in the community. As such, the researcher inevitably needs to confine himself to the empirical method of study by interviewing various persons who are involved in literary works. This study filled this gap by investigating copyright awareness, enforcement challenges, and socio-economic consequences of infringement within Mizoram's distinct cultural-legal landscape.

Statement of Problem

The protection of creative works in Mizoram faced significant challenges that threatened both the economic rights of creators and the cultural integrity of artistic expressions. Despite the existence of the Copyright Act, 1957, the Mizo creative community struggled with widespread infringement that stemmed from multiple systemic failures. The digital revolution, while expanding opportunities for content distribution, had simultaneously made unauthorized copying and sharing of literary, musical, and artistic works alarmingly prevalent. This technological shift outpaced the state's capacity to enforce copyright protections effectively.

A critical examination revealed several interconnected issues that plagued Mizoram's copyright landscape. First, there existed a fundamental disconnect between the individualistic nature of copyright law and the Mizo community's traditional collective approach to knowledge and creativity. Second, enforcement mechanisms remained weak due to limited specialized infrastructure, including the absence of dedicated IP enforcement units and slow judicial processes for copyright cases. Third, awareness about copyright protections and registration processes

Beegum, VS Abhida (2014). *Indian Internet Copyright Law*. Patridge.

remained dangerously low among both creators and the general public, exacerbated by language barriers and geographical isolation.

The consequences of these systemic failures were severe and multifaceted. Creators faced persistent economic losses as their works were routinely reproduced without authorization or compensation. This financial instability discouraged artistic innovation and professionalization of creative fields. Moreover, the uncontrolled adaptation and distribution of works led to cultural dilution and misrepresentation of traditional art forms. The situation not only undermined the livelihoods of individual artists but also threatened the preservation and ethical development of Mizoram's rich cultural heritage.

This study comprehensively analyzed these challenges through both legal and empirical lenses. It investigated how the unique socio-cultural context of Mizoram interacted with copyright law, why existing protections failed to prevent infringement, and what structural reforms could bridge this gap. Special attention was given to potential adaptations under Article 371G of the Indian Constitution, which granted Mizoram special provisions that could inform more culturally appropriate copyright solutions. The research ultimately proposed actionable policy recommendations that balanced legal protections with the preservation of Mizo creative traditions.

Scope of the Study

This study focuses on examining copyright infringement within the Mizo community of Mizoram, with particular emphasis on literary and artistic works protected under the Copyright Act, 1957. It explores the socio-legal challenges faced by creators, including writers, musicians, and artists, while addressing the conflict between traditional knowledge-sharing practices and modern copyright laws. The research is geographically limited to Mizoram, leveraging its unique cultural context under Article 371G of the Indian Constitution.

Methodologically, the study combines doctrinal analysis of legal provisions and case laws with empirical research, including surveys of 60 stakeholders (30 creators and 30 legal professionals). It assesses enforcement mechanisms, awareness levels, and administrative gaps in copyright protection within the state. However, it excludes other forms of intellectual property like patents and trademarks, unless directly relevant. The findings aim to propose culturally sensitive policy reforms, such as localized awareness campaigns and improved legal redressal systems, tailored to Mizoram's distinct needs.

Objectives of the Study

1. To study the meaning and nature of the Copyright Act, 1957.
2. To study the basic concept of Copyright Infringement.
3. To examine whether Copyright Infringement has been ingrained in the MizoCommunity.
4. To find out issue and challenges of Copyright Law in Mizoram.

Research Questions

1. What is the meaning and nature of the Copyright Act, 1957?
2. What is meant by Copyright Infringement?
3. Was Copyright Infringement deeply ingrained in the Mizo community?
4. How far has the State Government taken steps for Copyright Protection in Mizoram?
5. What are the issue and challenges of Copyright Law in Mizoram?

Methodology

The study employed a mixed-methods approach that strategically integrated doctrinal legal research with empirical survey-based data collection and policy analysis. This combination of qualitative and quantitative methodologies enabled a multi-dimensional investigation into awareness, enforcement, and challenges surrounding copyright law within Mizoram's unique socio-cultural and legal context as a northeastern Indian state with distinct tribal identity.

Given Mizoram's particular socio-legal landscape where traditional communal practices frequently coexisted or conflicted with modern intellectual property norms, this methodological approach provided nuanced understanding of how copyright law was perceived, enforced, and operationalized at grassroots levels. The methodology was carefully designed to rigorously meet research objectives through triangulation of data sources, thereby enhancing both validity and reliability.

The research methodology is structured into three interrelated phases:

Phase 1: Doctrinal Legal Research

- This phase focused on analyzing statutory frameworks, judicial precedents, and relevant legal commentary
- It interpreted the legal text of the Copyright Act, 1957, particularly as it relates to tribal and indigenous cultural expressions.
- Special attention is given to, especially those relevant to or originating in the judgments from Indian Courts North-Eastern region, including Mizoram.

Phase 2: Empirical Survey Research

- This phase collected quantitative data through structured questionnaires and qualitative insights via open-ended responses from two core stakeholder groups: content creators (e.g., Artists, Musicians, Writers) and legal or enforcement professionals (e.g., Lawyers, Judges, Police).
- It evaluated is to evaluate awareness levels, infringement and enforcement experiences perceptions.

Phase 3: Integrated Policy & Enforcement Analysis

- This segment reviewed a government initiatives, institutional efforts, and policy documents.

- It identified implementation gaps, best practices, and offer policy recommendations for more effective copyright enforcement in Mizoram.

Research Design

The study utilized an exploratory-descriptive design appropriate for examining complex legal and socio-cultural phenomena. This framework supported both discovery and detailed explanation of emerging patterns and relationships.

Data collection methods

Primary Sources

- **Statutory Law**
 - Copyright Act, 1957, particularly:
 - Sections 13–15: Subject matter eligible for copyright.
 - Sections 51–55: Definitions and scope of infringement.
 - Sections 63–70: Penalties and legal remedies.
- **Judicial Precedents**
 - Landmark judgments from Indian courts, with a focus on cases related to indigenous rights, IPR enforcement, and regional jurisprudence from the Northeast.

Secondary Sources

- **Government Publications**
 - Copyright Office Reports
 - Mizoram State Intellectual Property Policy
- **Academic Literature**
 - Articles and Books on tribal IP rights, cultural appropriation, and customary law versus statutory law.

Empirical Survey Research

- Administered structured surveys (quantitative and qualitative components)

- Targeted two groups of 30 respondents each (creators and professionals)
- Used Purposive Sampling to ensure representative stakeholder inclusion
- Conducted over three months through face-to-face and online platforms
- Maintained ethical standards through informed consent and anonymization

Data Analysis Techniques

Quantitative Analysis

- Employed statistical tools (Excel/SPSS)
- Applied descriptive statistics and cross-tabulations
- Measured key metrics (awareness levels, enforcement ratings)

Qualitative Analysis

- Conducted thematic coding (e.g., "Lack of Awareness")
- Analyzed patterns across stakeholder groups
- Identified legal gaps in statutory provisions

Ethical Considerations

- Informed consent was obtained.
- Responses were anonymized to protect participant identities.

Chapterization

The Research work has been divided into seven chapters as stated under:-

CHAPTER-1: Introduction

This was the introduction to the thesis. It is a prime illustration of copyright protection as it is enshrined in the legislation. It talks about the problem that the Mizo community has with literary works. It clarified the meaning and concept of the 1957 Copyright Act. Additionally, it includes a literature review, a research gap, a

problem statement, the study's scope, objectives, research questions, methods, and chapterization.

CHAPTER - 2: An Overview of the Copyright Act, 1957

This chapter provided a thorough analysis of the Copyright Act of 1957, placing its provisions within the framework of Indian copyright's historical development. The definition and characteristics of intellectual property law, international agreements and conventions pertaining to intellectual property, and the history of the Copyright Act are all highlighted in order to provide a comprehensive picture of copyright law. This chapter also explores the administrative structure that oversees copyright law in India, including the functions and duties of the Copyright Board and copyright organizations, as well as the rules and regulations pertaining to copyright registration and copyright protection for works that are protected by copyright. In summary, this chapter provides a quick overview of the Copyright Act of 1957.

CHAPTER- 3: Copyright Infringement and its Essential Ingredients

The chapter included the broad principles of intellectual property law, copyright law, administrative protection of copyright infringement and its exceptions, corrective measures, and an analysis of a case involving copyright infringement that the Apex Court had already resolved. It provides information about fair use, which allows someone to use another person's copyrighted work without breaking any laws. It is a methodical investigation of how copyright protection is administered as interpreted under copyright law.

CHAPTER-4: Copyright Awareness in the Mizo Community

This chapter focused specifically on the Mizo community's awareness of copyright. This study used a research style that blended questionnaires and interviews to make data collecting easier. This study is described as an empirical and non-doctrinal examination that aims to offer new perspectives and insights because

there hasn't been any previous research in this area. It is, in essence, a quick analysis of Mizo works pertaining to copyright.

CHAPTER -5: Administration of Copyright Protection in Mizoram

The chapter covered Mizoram's copyright law's administrative protection. It is a purposeful investigation of the extent to which the state of Mizoram has promoted intellectual property and the state's copyright legislation. It also looked at the government's initiative in carrying out the guidelines established under the 1957 Copyright Act. This study's primary goal is to identify the problems and difficulties with the state's copyright laws.

CHAPTER -6: Results & Discussion

The chapter provided a critical study of the questionnaire that was distributed to the 60 Respondents. The survey's findings were documented in order to ascertain the degree of copyright infringement within the Mizo community and to have a better understanding of the community's perceptions and understanding of the Copyright Act of 1957. Furthermore, the previously described survey has been separated into two portions, Part A and Part B. Part A focuses on artists, singers, song writers, and authors, while Part B focuses on those who work in copyright-related disciplines such as the Science & Technology Department, the Law & Judicial Department, Cyber Crime Police Station and the Court of Law. Thirty people in the respective regions have received each of Parts A and B.

CHAPTER -7: Conclusion

The chapter presented a comprehensive analysis of the collected data and combined the findings from previous chapters in order to draw important conclusions. It also responded the research questions based on the evaluation of data collected. Furthermore, it highlighted the Mizo community's pressing need to comprehend copyright law, which is the study's main conclusion. Additionally, the chapter offers suggestions for potential future study areas.

CHAPTER - 2

AN OVERVIEW OF THE COPYRIGHT ACT, 1957

The previous chapter is an introductory part of the thesis. It embodies a paradigmatic illustration of copyright protection as enshrined within the statutory framework. It covers the problem faced by the Mizo community in respect of the literary works. It also defined the concept and meaning of the Copyright Act, 1957. It also consists of review of literature, research gap, statement of problem, scope of the study, objectives of the study, research questions, methodology and chapterization.

The present chapter offers a comprehensive overview of the Copyright Act, 1957 contextualizing its provisions within the historical evolution of Indian copyright. In order to illustrate a clear picture of copyright law, it highlights the meaning and nature of intellectual property law, international treaty and conventions related to the intellectual property and the background of copyright Act. Furthermore, this chapter delves into the administrative framework governing copyright law in India, encompassing the roles and responsibilities of the Copyright Board and copyright societies, as well as the terms and procedures governing copyright registration and protection for copyrighted works. In a nutshell, the present chapter is about a brief introduction of the Copyright Act, 1957.

Concept of Intellectual Property Rights

Intellectual property rights (IPR) are the rights that people are given over their creative creations. They frequently provide the inventor the sole right to use their creation for a predetermined period of time.

An IPR, however, is more than just the ability to bar others from making, selling, or using the protected object. Additionally, it is intended to give the holder the ability to transfer or grant a license for business purposes or other legitimate uses. This covers the rights to sell, distribute, and recreate the asset.

Intellectual Property Law has now become an important branch of study in India, especially after the process of liberalisation and globalisation. It is an intangible, incorporeal property. It is invisible and untouchable. It includes a variety of rights pertaining to specific tangible items that the user has generated. Additionally, it gives the owner of the proprietary right over his products the ability to take legal action against those who violate his intellectual property rights. Intellectual property law is justified by the argument that "a man should own what he produces. i.e. what he brings into being."

The main objective of this field of law is to protect private individuals' rights to intellectual property. Intellectual property includes industrial designs, patents, copyrights, trademarks, and confidential information.

Characteristics of Intellectual Property²⁸

1. The basic concept of intellectual property law is novelty and originality.
2. Intellectual property is an intangible and incorporeal property.
3. It is a bundle of rights in relation to the material object created or invented by its owner.
4. Intellectual property covers patents, industrial designs, copyrights, trademarks, know-how and confidential information.
5. The intellectual property has to be registered with the competent authority and only then protection of such rights is given to the inventor, author or originator for a certain prescribed duration.
6. The modes of acquisition of intellectual property may be by transfer by transmission. Transfer includes licensing, assignment etc. Transmission arises by operation of law like inheritance, insolvency etc.

²⁸ "History of Intellectual Property Rights" (<https://www.legalserviceindia.com/legal/article-3581-ipr-law-history.html>) Accessed on 22.10.2024

7. The law of intellectual property is territorial in operation. The domestic laws confer on the owner a right to prevent competition by exclusive use and enjoyment for a specific period.

Origin of Intellectual Property²⁹

The word "Intellectual Property" (IP) refers to creations or innovations that are the product of an individual's unique inventiveness. It essentially refers to the legal rights resulting from creative effort in any field, including industrial, artistic, literary, etc. It encompasses the outcomes that are the product of one's imaginative imagination. Intellectual property and its associated rights were not discussed in any international trade discussions prior to the General Agreement on Tariffs and Trade (GATT).

Intellectual property has a lengthy history, which is both intriguing and extremely complicated. Its history dates back to 500 BCE, when the Greek kingdom of Sybaris let its inhabitants to get a one-year patent for "any new refinement in luxury." As a result, we can say that while the purpose of patent, copyright, and trademark laws has changed over the years, they have remained the same.

The laws and legislation procedures relating to the IPR have their roots in Europe. They were less technologically evolved than England when the patent tendency began in the 14th century. Nonetheless, Italy, where Venice was regarded as the birthplace of intellectual property systems, seemed to have the first copyrights ever discovered. However, the idea of patents is roughly 150 years old, as the British Patent System served as the foundation for its initial adoption.

Statutory Provisions and Legislation

The United Nations Declaration for the Rights of Indigenous People (UNDRIP) includes the right to intellectual property. In particular, everyone has the right to defend the material and ethical interests resulting from an author's creative, artistic, or literary endeavors, according to Article 27 of the United Nations Declarations of Human Rights (UNDHR). According to Article 2(viii) of the 1967

²⁹ *Ibid.*

Stockholm-concluded Convention establishing the World Intellectual Property Organization (WIPO Convention), intellectual property rights will encompass rights pertaining to things like scientific discoveries, industrial designs, literary and creative works etc.

The World Trade Organization and the World Intellectual Property Organization (WIPO) are two examples of international organizations and forums that strive to safeguard and advance intellectual property rights. Additionally, they create new IPR laws and examine how these laws might ensure protection within the parameters of human rights. According to WIPO's Article 2, intellectual property rights should encompass the protection of trademarks, designs, literary and creative works, and business names against unfair competition. The Paris Convention for the Protection of Intellectual Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886) were the first to acknowledge the significance of intellectual property. WIPO was initially in charge of administering both of these treaties.

Evolution and Scope of the IPR³⁰

The WIPO Program was started in the 1998–1999 budgets to address the growing concerns about indigenous knowledge holders' intellectual property rights. Intellectual property created obligations, particularly for the IP owner, which are specified tasks that they must carry out in connection with their labor or goods. The several laws that fall under the general heading of intellectual property did not develop or grow in tandem, and as a result, they differ greatly in many ways. As a result, international treaties and agreements support intellectual laborers and bring together all relevant IP laws.

Intellectual property rights differ from other kinds of rights due to their intangibility. It ensures the right to sue or take other legal action against the person who gains unlawful access to his property or idea. Applications for intellectual property rights are numerous. They help achieve a balance between inventors'

³⁰ “Origin of IPR” (<https://lawbhoomi.com/history-of-intellectual-property-rights/>) Accessed on 12.3.2025

interests and the welfare of society by providing an environment that allows innovation, invention, and creativity to flourish and benefit all. Intellectual property systems frequently include an internal appeal procedure against violators of intellectual property rights.

In addition to the government's attempts to educate judges on topics like intellectual property rights, laws are updated and modified to give citizens prompt, effective trials. Similar to India, WIPO and the National Judicial Academy (NJA) collaborate with the government's Cell for IPR Promotion and Management (CIPAM) to provide IPR-related training sessions and awareness campaigns to judges in the High Court and District Courts. Therefore, it is important to make sure that the legal system is more informed about issues like intellectual property rights and how society asserts them.

The Indian government's vision project, the National Intellectual Property Rights (NIPR) Policy, 2016, was designed to direct the nation's future advancements in intellectual property and related rights. It appeared to establish an institutional framework for implementing and tracking changes in both national and international IPRs.

Types of Intellectual Property Rights

The major types of Intellectual property rights are:³¹

I. Copyright

Simply said, copyright refers to the author's sole right to reproduce or replicate something for which they have permission. It is the right to perform particular acts in literary, dramatic, musical, and creative works as well as in motion pictures and sound recordings, or to give others permission to do so.

In 1847, copyright laws were established in India under the control of the East India Company. At the time, the copyright was for forty-two years plus seven years after death. The government may grant a forced license if the

³¹P. Jagannathan.,*op.cit.*, p.6

copyright holder refused to let the work to be published after the author's passing. Copyright registration was necessary to enforce rights under this act.

Under the British Raj, the Indian legislature passed a new copyright law in 1914 that was quite similar to the 1911 United Kingdom Copyright Act. But there weren't many significant distinctions. The primary one is that it established criminal penalties for copyright violations in sections 7 through 12. Since the 1911 Act had undergone numerous amendments up until 1957, independent India passed the Copyright Act in 1957 to comply with the Berne Convention's requirements. This 1957 Act has undergone numerous amendments, the most recent of which was made in 2012.

II. Patent

Regarding patent rights, the patent holder is the only one with the ability to sell or give licenses to third parties for the patented innovation. The invention could be a brand-new product, a novel production technique, or an enhancement of an already-existing product.

The Act VI of 1856 was the first patent-related law in India. Encouraging ideas and persuading innovators to reveal the secrets of their creations were the goals. Later, new legislation was introduced as Act XV of 1859 to grant exclusive privilege. The measure was renamed the Patterns and Designs Protection measure in 1872, nevertheless. With just one change in 1883, the statute stayed in effect for 30 years.

The Indian Patents and Design Act replaced all of India's previous legislation. This act contained provisions concerning the issuance of secret patents, patent additions, and the extension of the patent period from 14 to 16 years. A number of committees were set up after independence to examine the legislative changes, and a bill was submitted to the Lok Sabha in 1965 before it was eventually withdrawn. Despite its 1965 expiration, a revised draft was offered in 1967, and the committee's final recommendation served as the

basis for the enactment of the Patents Act, 1970, which is still in effect in India today.

III. Industrial Design

The exclusive right to use and benefit from the design belongs to the person who created it. Additionally, he can assign the rights to third parties or give licenses for their use.

The Designs Act's origins in India can be traced back to the time of British colonization. The first Indian law to grant rights and protection to designs was the Patent and Designs Act of 1872. It gave inventors exclusive rights to the 1859 Act, which was passed by the Governor General of India, and it expanded protection for industrial designs. The 1872 act was repealed and protection for ideas and designs was granted with the passage of the ideas and Designs Act of 1888. This measure was a direct mirror image of the UK's Designs measure. The British government repealed previous laws in 1911 and enacted the Patent and Designs Act.

The qualifying requirements for design registration were modified in 1930, changing the original and new design to either new or original design. In the beginning, this specific law regulated issues pertaining to both patents and designs. The clauses pertaining to patents were repealed in 1970 when a separate act known as the Patent Act 1970 was passed to address concerns pertaining to patents; however, the act remained the primary piece of legislation governing industrial design until 2000.

In 1995, India became a member of the World Trade Organization. In order to bring India's designs law into accordance with TRIPS, the Patents & Designs Act, 1911 was abolished and the Designs Act, 2000 was passed. Furthermore, significant advancements have been made in science, technology, and other relevant sectors since the Designs Act of 1911 was passed. Because of this, the legislature needed to be strengthened and made more effective in order to properly administer, protect, and promote industrial

designs. As a result, the Designs Act of 2000 was created. This new act came into force on 11th May 2001.

IV.Trademark

When a trademark is registered, its owner is granted the authority to stop others from using it or creating a trademark that is confusingly similar to the registered brand.

The British Trademark Act of 1938 served as the model for India's first trademark law, the Trademark Act of 1940. Additionally, the Trade and Merchandise Act of 1958 was passed after independence. Before the Trade Mark Act, 1999, which is currently in use in India, was adopted on December 30, 1999, a number of revisions were made.

This act satisfies two important needs:

- a) Shield the owner from confusion and mark duplication by rivals.
- b) Protect the trade and business of the trademark owner as well as the goodwill that is associated with the trademark.

World Intellectual Property Organization (WIPO) Convention

The World Intellectual Property Organization, or WIPO, is a specialized agency of the United Nations (UN) that was founded in 1967. Its headquarters are in Geneva, Switzerland. It was established to support innovative projects globally and to promote the protection of intellectual property (IP). To put it briefly, it is an international organization that offers a global platform for intellectual property-related information, cooperation, policy, and services. With 192 members, the organization's motto is to safeguard intellectual property and encourage artistic endeavors around the world. Regarding our nation, India is a signatory to the World Intellectual Property Organization.

WIPO is an independent and self-sufficient United Nations (UN) institution. In addition to rewarding creativity and innovation, these organizations are committed

to balancing the IP system and making it more accessible. Thus, preserving economic growth while defending the interests of the general population. Implementing administrative functions as discussed in the Berne and Paris Unions is the organization's defining characteristic. It supports the creation of campaigns aimed at enhancing IP protection globally. Additionally, it carries out research and disseminates the findings of IP development across the different nations.

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), The World Trade Organization (WTO) member nations came to an international accord in 1995. It has to do with the elements of intellectual property rights and aimed to standardize the laws and rules pertaining to intellectual property. It offers a consistent level of protection and preservation for the public's and all member nations' people's intellectual property. It requires that the intellectual property produced by any citizen of the member nations of the TRIP not be discriminated against. This gives the IP a minimal level of security. Therefore, a nation's domestic laws alone can offer a greater level of security.

The WIPO has the following objectives:³²

- a) The protection of intellectual property throughout the world by promoting cooperation among the states or with any international organization.
- b) Ensuring administrative co-operation among the unions.

The WIPO has the following functions:³³

- a) Supporting the signing of international pacts to advance intellectual property protection.
- b) Offering its aid to nations in need of legal and technical support in the area of intellectual property

³²*Ibid.*, p.10

³³*Ibid.*, p.11

- c) Carrying out the administrative duties of the Berne Union, the Paris Union, and the special unions created in connection with that union.
- d) Sustaining services that support global intellectual property protection.
- e) Encouraging the creation of global intellectual property rights protection policies and the harmonization of national laws in this area.
- f) To compile and share data on intellectual property protection and publish the findings of such research

Meaning and Concept of Copyright

Copyright is one kind of intellectual property. What is meant by intellectual property is "a property created by human brain" It can be sold, mortgaged, leased, etc. from one person to another, just like any other property. Intellectual property laws regulate the legal rights related to goodwill, business reputation, and creative works.

.The object behind intellectual property is that a person who creates a work or has a good idea and when he develops that idea, he has a moral right and legal right to control its use and exploitation and he must be able to prevent others from taking unfair advantage of his efforts.

Origin of Copyright

Copyright has its origin in the beginning of 20th century, after printing technology was invented and the literacy rate started growing among people.³⁴

In ancient days, when Bhagawat Gita, Ramayana, Mahabharatha, Thirukkural etc. were written, there was no copyright laws and these great master pieces were largely used by the majority of the people for common good.

There are many international conventions in Copyrights like Berne Convention, 1886; Universal Copyright Convention, 1940; Inter American Copyright

³⁴*Ibid.*, p. 5

Conventions, 1889, 1902, 1907, 1910, 1928 and 1946, WIPO Copyright Treaty, WIPO Performances and Phonograms Treaty, 1996, etc which emphasized the need for enacting Copyright laws to protect the authors/creators of ideas and to recognize their right to use and monetarily gain by such use.

India is a party to the Universal Copyright Convention (1952), the Berne Convention for Protection of Artistic and Literary Works (1886), and the Agreement on Trade and Related Aspects of Intellectual Property Rights (TRIPs). However, India entered the WIPO Copyright and WIPO Performances and Phonograms Treaties on July 4, 2018, after first refusing to ratify them.³⁵.

Background and Evolution

For the first legislation, the Copyright Act was enacted in the year 1914, and the Copyright Act, 1957 is mainly based on this Act. However, the existing law does not fit in with the changed constitutional status of India. Therefore, the Copyright Act was passed in 1957.³⁶ In India, the Copyright Act, 1957 mentioned various rights of the creator of the copyrighted work and also explained copyright infringement. It was amended by the following:

- i. The Copyright (Amendment) Act, 1983, w.e.f. 9-8-1984
- ii. The Copyright (Amendment) Act, 1984, w.e.f. 8-10-1984
- i. The Copyright (Amendment) Act, 1992, w.e.f. 28-12-1991
- ii. The Copyright (Amendment) Act, 1994, w.e.f. 10-5-1999
- iii. The Copyright (Amendment) Act, 1999, w.e.f. 15-1-2000

³⁵ “India Accedes to the WIPO Copyright Treaty and WIPO Performers and Phonograms Treaty” (<https://iprmentlaw.com/update/india-accedes-to-the-wipo-copyright-treaty-and-wipo-performers-and-phonograms-treaty/>) Accessed on 23.6.2022.

³⁶ Rattan, Jyoti. (2021). *Copyright Act*. Bharat Law House Pvt. Ltd, p.26.

iv. The Copyright (Amendment) Act, 2012, w.e.f. 21-6-2012

v. The Repealing and Amending Act (Second) of 2017.

The Act's original version consisted of 15 chapters with 79 sections. In order to achieve the goals of the Copyright Act, Section 78 also grants the Central Government the power to create regulations and publish them in the official gazette. The Indian Constitution states that copyright is a matter of Central Law and is safeguarded by Union List Entry 49 of List-I. Parliament is therefore the sole entity having the power to pass laws pertaining to this subject.³⁷

Copyright is a product of legislation. There is no such thing as a common law copyright under current law. No one shall be entitled to copyright or any equivalent right in any work, whether published or unpublished, except in accordance with Section 16 of the Copyright Act, 1957.

The goal of copyright legislation is to inspire authors, musicians, painters, and other artists to create new works to enable them to innovatively create original pieces of work by granting them the exclusive right to use their creative products and to earn money at least for a particular time without being copied by others.³⁸

Due to growth in technology, science, etc., original creative works were copied by unscrupulous people for their selfish ends who started deriving undue benefits to themselves by misuse. Hence, the need for enacting an Act like the Copyright Act was felt necessary to protect the authors, whose human skills and brain power must be useful for augmenting income for their economic progress.

At the same time, due to technological advancements, the copied materials are available at cheap rates and the means of production have become easy and simple. The mechanisms to check and prevent copyright are not only difficult to enforce, but also expensive. Only the Copyright holder is given both civil and

³⁷Mandal, ShashiNath(2010). *Copyright Law: Cases and Material*. Regal Publications, p.105

³⁸P. Jagannathan., *op.cit.*, p.8

criminal remedies under the Act. Further the formalities required for acquiring a Copyright has been made easy by the Act and Copyright protection is given for a long period of 60 yrs.

The Copyright (Amendment) Act, 2012³⁹

The Copyright Amendment Act, 2012 has been enacted by the government of India bringing changes to the Copyright Act, 1957. The changes bring Indian copyright law into compliance with the WIPO Performances and Phonograms Treaty (WPPT) and the WIPO Copyright Treaty (WCT), two international treaties. Performers are granted privileges by the changes. The law provides unique fair use rules to ensure that Fair Use endures in the digital age while introducing technological protection safeguards. Beyond WCT and WPPT, the modifications have made several author-friendly changes to improve business procedures, including particular provisions for disabled people, changes to facilitate excess works, and other changes to expedite copyright management.

Due to progressive modifications like the "right to royalty" and exceptions for people with impairments, which garnered significant media attention, the Copyright (Amendment) Act, 2012 (also known as "the Amendment Act") is widely regarded as beneficial. On June 7, 2012, the President signed the Amendment Act into law, and on June 21, 2012, the Central Government formally announced that it had become a law. It is reiterated that the Amendment Act has gone well beyond these international agreements, even while its goal was to bring Indian copyright law into compliance with the World Intellectual Property Organization's (WIPO) Copyright Treaty, or WCT, 1996 and the WIPO Performances and Phonograms Treaty (WPPT), 1996.

Copyright Protection – For the furtherance of advancement of society

Copyright law is to protect the fruits of a man's work, labour, skill or test from annexation by other people. The statutory definition of copyright implies the exclusive right to do or authorize other(s) to do certain acts in relation to – "(i)

³⁹Act 27 of 12: Copyright (Amendment) Act, 2012

literary, dramatic or musical works (ii) Artistic work (iii) Cinematograph film and(iv) Sound recording”.

Since copyright's main goal is to advance science and the useful arts rather than to compensate authors for their labor, it protects authors' rights to original expression while allowing others to freely expand on the concepts and knowledge that a work conveys. This implies that the owner of a copyright does not have a monopoly on the subject matter and that others are free to create the same outcome as long as they do so independently and in a unique way. According to Section 14 of the Copyright Act of 1957, copyright refers to the sole right, subject to the Act's requirements, to perform or permit the performance of any of the following actions with regard to a work.

- i) To duplicate the work in any tangible form, including storing it electronically in any medium.
- ii) To distribute copies of the work to the general public if none are currently in use
- iii) To perform or discuss the work in public
- iv) To create a cinematograph film or sound recording related to the work
- v) To translate the work;
- vi) To adapt the work;
- vii) To sell or offer for sale or commercial rental any copy of the work, including computer programs, artistic creations, cinematograph films, and sound recordings, aside from those previously mentioned.

Even though section 14 of the Act uses the term "exclusive rights," the owner of a work's copyright has negative rights rather than a positive right to profit from it, whether through duplication, performance, or other means. This means that the owner can stop others from using his work in specific ways and demand payment for the infringement of that right.

It was held in *Time Warner Entertainment Company, LP & Others v. RPG Netcom*⁴⁰ that The goal of copyright laws is to stop the replication of physical materials and forms in the domains of literature and art. Additionally, it was mentioned that copyright is primarily a negative right that the author is granted; that is, rather than the right to publish his work, the Act gives the owner the authority to prevent a third party from doing something that the owner is only allowed to do under the Act.

The exclusive rights are also known as economic rights of the copyright owner and those exclusive rights are subject to the provisions of the Act. In nowhere the wording 'economic rights' is used or mentioned in the Act. Thus, these terms have been utilized by the courts during interpretation for the sake of convenience.

Copyright Office

To carry out and monitor the provisions of the copyright Act, the Registrar of Copyright, who is under the direction and control of the central government, has set up a copyright office, and is presently located at New Delhi.

Registrar and Deputy Registrar of Copyright

In pursuance of Section 9 of the Copyright Act, Copyright office has been established under the immediate control of the Registrar of Copyright. The central Government appoints a Registrar of Copyright and it also appoints one or more Deputy Registrar of Copyrights. The Deputy Registrar of Copyrights discharges the assigned functions by the Registrar of Copyrights under his superintendence and direction.

Copyright Board⁴¹

The Copyright Act gives right holders two legal tools to help them enforce their rights. The Copyright Board and the Law Court make enforcement possible. The Act created the Copyright Board, a quasi-judicial body tasked with resolving disputes

⁴⁰2007 (34) PTC 668 (Del) (DB)

⁴¹Jyoti Rattan, *op.cit.*, p.142

related to copyright registration, copyright assignment, license issuance for works that are not publicly available, unpublished Indian works, translation production and publication, and works for specific purposes. It was established by the Central Government as a quasi-judicial authority. The Copyright Act of 1957 established the Board's constitution, which is as follows:

1. The Central Government constitutes a board called the Copyright Board which consists of a chairman and not less than two or more than fourteen other members.
2. The Chairman and other members of the Copyright Board holds office for a period not exceeding five years and also meet the eligible terms and conditions stipulated by the Central Government.
3. The Chairman of the Copyright Board is a person who is, or has been a Judge of a High Court, or is qualified for appointment as a Judge of the High court.
4. The Registrar of Copyright is the Secretary of the Copyright Board and performs prescribed functions

Powers and Procedure of Copyright Board⁴²

1. The Copyright Board has the authority to control its own processes, including setting the locations and schedule of its meetings. Nonetheless, the Copyright Board typically considers any case that is filed in the area where the party bringing the action resides willingly and actually, conducts business, or works for pay.
2. The Chairman of the Copyright Board appoints benches from among its members to carry out the Board's duties and authority. On the other hand, the Chairman may send a topic to a "Special Bench" of five members if he believes that a larger Bench should hear any important matter.

⁴²*Ibid.*, p.143

3. In the event that members of the Copyright Board or any of its benches disagree on a particular decision, the majority of members' viewpoint takes precedence. But in the absence of such a majority, the Chairman's viewpoint takes precedence.
4. Any member may also be given permission by the chairman to use any of his authority. Any decision or action taken by the authorized member while exercising their authority is considered the Board's decision or action.
5. A member of the Copyright Board should refrain from participating in any board proceedings pertaining to an issue in which he has a personal interest.
6. No action or decision made by the Copyright Board may be questioned because of a vacancy or flaw in the board's constitution.
7. All proceedings before the Copyright Board are considered judicial actions, and the Board is considered a Civil Court for the purposes of Sections 345 and 346 of the Code of Criminal Procedure 1973.

Rights of Copyright Holder⁴³

Copyright is a collection of rights that are obtained from the act itself, as well as from related acts and court interpretations of copyright. It gives authors the right to protect their material, monetary, and ethical interests.

(a) *Economic Rights*

The authors of the Copyright enjoy a bundle of economic rights in respect of literary, dramatic, musical, artistic works, cinematographs and sound recordings as under:⁴⁴

⁴³*Ibid.*, p.144

⁴⁴ShahsiNathMandal, *op.cit.*, p.116

- (i) Reproducing the work in any tangible form, including storing it electronically in any medium;
- (ii) Making copies of the work available to the public, provided that no copies are already in use;
- (iii) Performing the work in public or disseminating it to the public.

(b) Moral Rights

Under the heading of the author's special rights, the Indian statute on the topic acknowledges "moral rights" as an unalienable right. These rights are as follows:

- (i) To create any sound recording or cinematograph film pertaining to the work;
- (ii) To translate the work;
- (iii) To adapt the work.

Term of Copyright⁴⁵

The period of copyright for literary, dramatic, musical, and artistic works—aside from photography—is the author's lifetime plus sixty years following his passing. In the event that it is a joint authorship, the sixty-year period is determined starting on the final author's death date.

The copyright period for works that are anonymous or use pseudonyms is sixty years from the year of publication. However, the term will be extended to sixty years after the author's death if their identity is revealed before the sixty-year period has passed. An anonymous work is one that does not include the author's name. Additionally, when writing under a pseudonym, the author's true identity is kept secret and the work is written under the name of a fictional character or person. The copyright remains in effect for sixty years after the last joint author's death if all of the joint writers' names are pseudonymous and one of them is revealed.

⁴⁵Section 22 of the Copyright Act, 1957

In contrast, if a posthumous work is published after the author's passing, the copyright will remain in effect for sixty years after the year the posthumous work was published. This is the case for literary, dramatic, musical, or engraving works where the author's copyright was in effect at the time of the work's death but was published after his passing.

If a piece of literature, theater, music, or an adaptation of any of these has been performed in public or if a sound recording of the work has been sold to the general public, it is considered to have been published.

- (i) When it comes to photographs, copyright is in effect for sixty years after the date of publication.
- (ii) A cinematograph film's copyright is applicable for sixty years after the film's release date.
- (iii) When it comes to sound recordings, copyright is in effect for sixty years after the recording's release date.
- (iv) In the case of government works, the copyright remains in effect for sixty years after the date of the government works' initial publication if the government is the original owner.
- (v) If a public undertaking is the original owner of a work, the copyright remains in effect for sixty years after the public undertaking's works were first published.
- (vi) Copyright for works of international organizations remains in effect for sixty years after the date of the organization's initial publication.

Copyright Societies

The Copyright Society is one such organization that protects the rights of the creators of the works that are protected by copyright.⁴⁶

Before 1994, the individual authors having copyright, granted license/s to the publishers to publish their work on the consideration of royalty payment to the authors. In this practice, the publishers misused the license by infringing the copyright and exploited the authors by giving false accounts etc.⁴⁷

To prevent this, in the Copyright (Amendment) Act, 1994 certain new provisions were enacted to regularise the process of granting of license in copyrights as under:

- (i) To grant licenses in accordance with Section 30 for any rights granted by this Act.
- (ii) To collect fees in accordance with such licenses;
- (iii) To divide such fees among right owners following the deduction of its own costs.
- (iv) To compensate specific copyright holders
- (v) To send reports and returns to the Copyright Registrar
- (vi) To carry out any additional duties in accordance with section 35 of the Act's requirements.

Registration of Copyright Society⁴⁸

According to the Copyright Act, the right to grant a license belongs to the copyright owner or author. Copyright societies were created in order to preserve and defend the owner's or author's interests. These organizations conduct business by issuing or giving licenses for works protected by copyright. However, it is not

⁴⁶Chapter VII of the Copyright Act (Sections 33 to 36A), 1957

⁴⁷P.Jagannathan, *op.cit.*, p.84

⁴⁸*Ibid.*, p.90

customary for the Central Government to register multiple copyright societies to conduct business with regard to the same type of works. Additionally, the following requirements had to be met in order to register with the copyright societies:

1. In accordance with the 1994 Act Amendment, registration is now required in order for an individual or group of individuals to start or continue the license granting or issuing company. On the other hand, a copyright holder may still grant licenses for his own copyrighted works in his individual capacity.
2. Any group of people who meet the requirements can request authorization from the Registrar to engage in the license-issuing activity. The Central Government then receives the application from the Registrar.
3. Register such an association of people as a "copyright society" after taking into account the interests of the authors and other rights holders, the general public's interest and convenience, and especially the associations of people who are most likely to seek a license. Nonetheless, it is uncommon for the Central Government to register multiple copyright societies to do business about the same kind of work.
4. Following the required investigation, suspend or terminate a copyright society's registration if the Central Government is certain that its management is harming the interests of the rights holders in question.

Registration of Copyright

Registration of copyright is only optional, and not compulsory.⁴⁹ An author gets copyright in his work even without registration. Registration is only a piece of evidence for the existence of copyright. However, by registration of copyright, there are certain advantages. If the copyright is registered, then the certified extract of registration, is evidence of registration, which is further useful for assignment or granting of licence in the copyright.

⁴⁹ P. Jagannathan, *op.cit.*, p.100

Further, the registration extract of copyright is useful to establish the rights of the author, his successors and assignees in all disputes with third persons. The registration extract is also useful as documentary evidence for the author/legal heirs, assignees to take any legal action against copyright violators. The registration extract is useful as proof to receive payments from the Government who levy and collect royalties from the assignees and licence holders. Many foreign countries insist on the certified extract of the registration for providing the copyright of authors in foreign countries.

The Copyrights register is a public document that must be maintained in particular, by the Registrar of the Copyrights and is open for inspection.⁵⁰ Whenever the copyright is registered is made in the Copyrights Register, after making any entry, if any mistake is found correction can be done. Whenever new entries are made or correction or rectification is done, then such entry or correction or rectification must be published by the Registrar of Copyrights in the Official Gazette or such other manner as he may deem fit.

Conclusion

The Copyright Act of 1957 is a significant piece of legislation that protects Indian artists' rights by granting them the sole ownership of their creative works, including both moral and financial rights. In order to balance the rights of the public and those of individuals, this law guarantees that writers, painters, musicians, and other creators retain authority over the commercial use of their works while permitting exceptions like fair use. This Act promotes creativity through its laws pertaining to ownership, transfer of rights, and remedies for infringement in both civil and criminal contexts. It is essential for safeguarding the rights of Indian creators since it consistently complies with international norms, which offers robust protection for intellectual property.

Additionally, it is an advanced legal framework that has effectively adjusted to shifting cultural and technical contexts while upholding its fundamental goal of

⁵⁰Jyoti Rattan, *op.cit.*, p.160.

encouraging innovation and the sharing of knowledge. Its development through judicial interpretation and revisions shows India's dedication to efficient copyright protection while meeting particular developmental requirements. The Act's flexibility and core ideas will continue to be essential in establishing India's copyright laws as technology continues to revolutionize artistic expression and exploitation.

CHAPTER -3

COPYRIGHT INFRINGEMENT AND ITS ESSENTIAL INGREDIENTS

The previous chapter provided an overview of copyright administration in India, while also examining the conceptual framework, nature and scope of Copyright Act, 1957 including the registration process and its significance. It also highlights the power and functions of Copyright Board and the Copyright Societies as well as the terms of copyright. Overall, it introduced the general meaning of the Copyright law as well as the existing statute.

The present chapter offers a nuanced exploration of copyright infringement, deconstructing its constituent elements and analysing the exceptions provided under the statute. A critical disclosure analysis of pertinent case law, including decisions of the Apex Court, is undertaken to develop a clearer understanding of the boundaries between infringement and non-infringement acts. It also pointed out the remedy available for copyright infringement in a lucid manner.

Introduction of Copyright Infringement

Copyright is a branch of Intellectual property right and is a creation of statute. When a person initiates their ideas into some form of work, automatically it becomes a copyrighted work and the Copyright holder has an exclusive right to do, authorise and prevent others not to do such acts without the authorization of the copyright holder. If anyone performs an act on a copyrighted work without authorization, they are infringing on the copyright. Meanwhile, owing to the advances in technology and increased commercial viability, copyright infringement has become more widespread and now become a great menace even in the community.

Doctrine of Fair Use & its Exceptions

The evolution of Fair Use is a fascinating path that reflects how copyright laws are evolving and integrating with cultural norms and technology advancements. Common law concepts served as the foundation for fair use, which was eventually codified into law in the US with the passage of the Copyright Act of 1976. The concept of fair use was also included in India when the copyright law was passed in the year 1957.⁵¹

Fair Use

Recognizing that strict copyright adherence can hinder innovation, a law was established to facilitate the use of copyrighted works while respecting the underlying rights. The copyright law adopts a more permissive stance when an individual utilizes copyrighted work for purposes that are altruistic, educational, or beneficial to society as a whole, rather than exploiting it for personal financial gain or business growth. This relaxed approach recognizes that not all uses of copyrighted material are driven by commercial interests, and that some uses can actually contribute to the greater good.

In contrast, the copyright law seeks to prevent individuals from profiting from someone else's work without contributing to its creation, value, or significance. Simultaneously, the law offers considerable flexibility when individuals use copyrighted materials for altruistic or philanthropic reasons.

The concept of fair use extends to various applications, such as personal use, public benefit, research purposes, literary works, and news reporting, which provides essential information to the public. In the absence of financial motives, fair use can be leveraged to foster societal and individual advancement.

Furthermore, fair use also extends to various other purposes, including dispute resolution in courts, educational activities for children, learning materials like skits and dramas, public libraries, government documents, museum exhibitions, and

⁵¹Section 52 of the Copyright Act, 1957

the development of new laws. Additionally, fair use encompasses artworks that promote the greater good, such as sculptures, paintings, and monuments.

Despite stringent copyright laws, a more relaxed approach was adopted when usage was intended for the greater good. This paradox highlights the law's nuanced approach, seeking to balance strict enforcement with wise and beneficial application, permitting positive uses while curbing unauthorized and excessive exploitation.

Copyright Infringement & its Protection Around the Globe

As published by the Copyright Global Infringement Report, 2019, there are more than 3 billion people using internet every single day. Among these users, 85% were without licence that infringed other copyrights.⁵² These clearly noted that there is a huge infringement in copyright worldwide. Copyright Global Infringement Report was created in March, 2019 by CopytractGmbH, their reports were deemed to be reliable. It is being rumoured that 2.5 billion copy rights were infringed every day. Monetarily, 532.5 US Billion Dollars were lost every day.

As these acts of infringements were growing enormously, a number of countries are eagerly making law that protect copyright. Different leaders of the country came together and signed treaty to curb this infringement and more stringent laws were formed to penalise these infringements. Below are lists of some popular countries that framed laws based on the treaty to protect copyright.⁵³

United Kingdom

United Kingdom (UK) Copyright law rely upon the Statute of Anne (1710). It is believed to be the first copyright law in the world. As of now, the most used copyright infringement is 'The Copyright, Designs and Patents Act, 1988. The owner of copyrights was strictly carried out by this law. It is more liberal in Fair Use than

⁵²“Copytract global Infringement report.”Website(<https://www.cepic.org/post/copytrack-global-infringement-report>) Accessed on 24.7.2023.

⁵³ “Copyright protection in different countries” Website (<https://morelaws.com/copyright-protection-in-different-countries/#:~:text=This%20comprehensive%20guide%20delves%20into%20copyright%20protection%20mechanisms,current%20legislation%2C%20enforcement%20challenges%2C%20and%20notable%20legal%20battles.>) Accessed on 25.7.2023.

United State (US). There is a wide understanding and acceptance in criticism, review and news reporting. The UK might be the most liberal in copyright protection law.

United States of America

Copyright Act was already framed in the year 1790. In 1909 the act was mutated and was modernised in the year 1976. In 1998 the 'The Digital Millenium Copyright Act (DMCA) of 1998' was framed to reach the modern technology and has not been amended till date. Due to the rise of infringements, the scope of Fair Use is minimized except where essential. Inspections were under the hands of Judiciary.

Canada

In 1924, Copyright Protection Act was framed in Canada and it was amended only in the year 2012 which is known as 'The Copyright Act, 2012'. In the means of the scope of Fair Use, the patterns were same as the UK, where people can freely use others copyrighted work without their prior consent subject to the limitation of private study, criticism and news reporting.

Australia

Australia's introduction to copyright law was relatively recent. It came into being only in the year 1968 and is known as 'The Copyright Act, 1968'. Later, Copyright Amendment (Online Infringement) Act, 2015 was framed to run after the advancement of Information Technology (IT). After this, no changes have been made till date. The scope of fair use were greatly minimised and limited after framing the said Copyright Amendment (Online Infringement) Act, 2015, which might be one of the factor of raising the copyright infringement case.

Japan

Japan gave keen importance to international treaty and agreement to administer copyright law. 'The Copyright Act of 1970' was framed in the most possible alike. It is a country where Art prosper and that these art, music and literature were greatly protected. Unlike other country's copyright law, 'moral right'

is given utmost importance in Japan. As they were the top-most in the advancement of technology, laws were enacting modestly between copyright owner and users.

China

As being the most populated country, China became more careful to carry out the copyright law. Since it is a Communist country, copyright law lacked behind for long. The Copyright Act of 1990 was passed only in 1990. According to the Act, Copyright law is to strictly protect the owner of copyright and to severely punish those who infringed. Following this, Fair Use was largely minimised.

India

Like most other laws of the era, the Copyright Law of India was modelled after English law when it was passed by the British colony.

During the East India Company's rule in 1847, India's first copyright law was passed. According to the statute, the copyright was valid for 42 years or for the author's lifetime plus seven years. If the copyright owner refused to allow it, the government may award the publishing license after the author's death. The highest local civil court had jurisdiction over all copyright-related lawsuits and infringements. The Copyright Act of 1914 took its place. The 1914 act was India's first "modern" copyright legislation. It was the first law to provide all works of literature and art copyright protection. It was a perfect replica of the English statute of 1911. By doing this, the British were able to make it easier for books to travel throughout the colonial subcontinent.

The Copyright Act of 1957 took the place of the 1911 statute on January 21, 1958. The legislation created a copyright office under the Registrar of Copyright's jurisdiction to register books and other artistic productions, in addition to making important changes to the copyright law. It also established a copyright board to deal with copyright concerns.

Copyright Infringement

Section 51 of the Copyright Act, 1957 states that infringement occurs when someone violates the terms of a license granted by the copyright owner or the Registrar of Copyrights under this Act, or when someone does something that the owner of the copyright has the sole authority to do and does not have a license granted by the owner of the copyright or the Registrar of Copyrights under this Act, or when they violate any conditions imposed by a competent authority under this Act.⁵⁴

The owner of a copyright has the exclusive and absolute right to do all acts in the work for which he has got the copyright. In case any person does any act in the copyright work without the authority or consent or licence or assignment from the owner of the copyright, then he said to be committed an act of infringement of the copyright in said work.

Similarly, if any person, without the authority of the copyright work, commercially exploits it for profit, then he is also infringing upon the copyright of the owner.⁵⁵ Nowadays, due to improved technologies and increased commercial viabilities, the acts of infringement of copyrights are on the rise. Significantly, certain acts even if done without the permission of the author or owner are not infringement of Copyright.

Types of Infringement⁵⁶

Any one of the following five methods can constitute copyright infringement in a work:

1. Full or partial reproduction of the work in any tangible form.
2. Full or partial publication of the work.

⁵⁴Jyoti Rattan, *op.cit.*, p.166.

⁵⁵P.Jagannathan, *op.cit.*, p.105.

⁵⁶ Section 14 of the Copyright Act, 1957

3. Complete or partial public dissemination of the work.
4. Complete or partial public performance of the work.
5. Making whole or partial translations and modifications of the text.

Conditions to enhance copyright infringement⁵⁷

To show copyright infringement, the Plaintiff must demonstrate the following:

1. The original work and the copied work must be extremely similar, or
2. The work for which the plaintiff possesses copyright must have been unlawfully used by the defendant or
3. The defendant's infringement copy and the plaintiff's copyrighted work must be related in some way, or
4. The defendant must have had access to the plaintiff's work.

Acts Constituting Infringement⁵⁸

1. When someone violates the terms of a license or any other requirement set by a competent authority, or when someone does not have a license issued by the copyright owner or the Registrar of Copyrights.

When any person-

- i) "Makes for sale or hire, or sells or lets for hire or by way of trade displays or offers for sale or hire, or
- ii) Distributes for the purpose of trade or distributes so as to affect the owner of the copyright or
- iii) By way of trade exhibits in public, or
- iv) Imports into India, any infringing copies of the work".

⁵⁷Jyoti Rattan, *op.cit.*, p.167

⁵⁸ Sec 51 of the Copyright Act, 1957

Nonetheless, copyright is not violated when one copy of a work is imported for domestic and private use. The duplication of a work of literature, theater, music, or art in the form of a cinematograph film is referred to as a "infringing copy." It is illegal to reproduce a work of literature, theater, music, or art in the form of a cinematograph.

Case Law

The following entails some of the Apex Court's judgments in regards to Copyright infringement:

***Eastern Book Company & Others v. DB Modak & Another*⁵⁹**

Eastern Book Company and EBC Publishing Private Limited have been collaborating since the year 1969 in the publication of several legal books, including Supreme Court Cases (SCC) and related books, others Court judgments and related material which includes what every layman should know, in a manner easily understandable to laymen in terms of formatting and numbering, and has been cross-referenced as well. Aside from this, headnotes footnotes and long notes have always been included. However, in the year 2004, Spectrum Business Support Limited and Regent Datatec Private Limited jointly published the book titled 'Grand Jurix,' this book used many of the data previously collected by the Eastern Book Company in their book. Once the complaint was sent to the court, after careful consideration, this was made out as a clear case of copyright infringement.

Analysis in Detail

The petitioners argued that their version of the SCC judgments, which is the result of their labor, capital, talents, and abilities, is protected by copyright. The format in which they publish the judgments is what they intended to monopolize, not the judgment itself. The Petitioners additionally asserted that the Respondents had violated their work as they had copied the Petitioners' method of distributing the legal reports with the precise arrangements, sequencing, and case selections, and all of the modules on the Compact Disc – Read Only Memory (CD-ROM) were

⁵⁹AIR 2008 SC 809

identical to their own work. Additionally, it was claimed that the Respondents replicated the whole ruling exactly as it was presented in the Petitioners' law report, including the formatting, footnotes, paragraph numbers, and copy-editing.

However, the Respondents argued that because the Petitioners' product is only a derivative of Supreme Court rulings, it is not protected by copyright law. It is not an original work because it does not depict autonomous creativity. According to the argument, the Petitioners' changes were insufficient to give it Copyright Act protection. Additionally, they used the merger concept to declare that the Petitioners' intended thought and the form in which they express it are inseparable, so eliminating any possibility of an alternate expression.

The Court ruled that it must be shown that a derivative work is more than a simple copy of the original in order for it to be granted copyright protection. In addition to labor and capital, it must include the author's independent skill. The court sought to determine the originality of the petitioner's work. As a result, they concluded that the sweat of the brow test was too low of a criterion and the modicum of originality was too high. They therefore chose to use the "skill and judgment" test from Canada. The court defined judgment as the application of resources that went beyond the simple investment of time and money, and skill as those that are considerable and not trivial. The Respondents were directed to cease using the Petitioners' opinions on dissent and concurring opinions of the cases, as well as to avoid duplicating the Petitioners' paragraphs for internal reference. The petitioners were granted exclusive rights over their content and were barred from using it as a result of the ultimate ruling in their favor.

NajmaHeptulla v. Orient Longman Ltd.⁶⁰

The instant legal precedent has been cited to be one of the most important precedents in relation to book publication. NajmaHeptulla is the author and original owner of the book, 'Maulana Azad', his friend Professor HumayunKabir, and the publishing company, Orient Longman Ltd, for their personal benefit, and without the

⁶⁰AIR 1986 Del 63

express consent and permission of NajmaHeptulla, infringed upon his works, being upset by this, he went to court under Order 39 of CPC. The Court ruled that Professor HumayunKabir and publishing company, Orient Longman Ltd committed major copyright infringement and pre-empted them from repeating the same.

Analysis in Detail

The *NajmaHeptulla v. Orient Longman Limited* case is a significant decision that has affected how Indians see copyright law, publication agreements, and authorship rights. By recognizing that cooperation and intellectual participation in the production of creative works can qualify as joint authorship even when the contributions are diverse, the Court's ruling established significant standards for joint authorship. By acknowledging Maulana Azad and Prof. Kabir as joint authors, the Court rejected the simplistic idea that authorship exclusively belongs to the person who writes down the work, underscoring the importance of both intellectual content and its form.

This decision expertly balanced the goals of the original author, the rights of legal successors, and the integrity of publication contracts. The Court's study of the acquiescence theory, which demonstrates how accepting benefits under an agreement might prevent parties from later questioning its validity, can stabilize long-standing publishing arrangements. The decision further supports the notion that copyright regulations should protect not only monetary profits but also artists' intended legacies and the public's right to access literary works.

Furthermore, the Court's requirement of a security deposit before publication shows a reasonable approach to protecting the monetary interests of legal heirs while allowing the author's wishes to be realized. This ruling sets a helpful precedent for cases involving joint authorship claims, posthumous publication rights, and the tension between authors' and their legal successors' rights. Ultimately, the decision strengthens the foundation for protecting literary works while ensuring that technical legal considerations do not override copyright law's primary objective, which is to promote the creation and dissemination of knowledge while protecting the rights of all parties.

RatnaSagar (P) Ltd. V. Trisea Publications &Ors., 1996 ptc (16) 597⁶¹

This case talks about Order 39 Rules 1 and 2, of CPC and how it protects the original owners of Copyright. It is arguably the utmost highest priority of copyright law to protect and protect the original owner of the copyright. After careful consideration, the Court ruled that profiting off of other's works by servants, stockists, distributors, agents, and retailers from printing, publishing, selling, and/or offering for sale, advertising their works cannot fall under fair dealings and counts as infringement of copyright.

Analysis in Detail

The RatnaSagar ruling has had a significant positive impact on India's copyright doctrine, particularly in the area of educational publications. The Court's decision establishes crucial rules for protecting educational resources while finding a balance with the need for public information access. The decision acknowledges that while scientific facts and natural occurrences cannot be monopolized, their unique arrangement, display, and creative expression are worthy of copyright protection.

The Court's approach demonstrates a sophisticated understanding of copyright protection in educational materials. It recognizes that although though instructional materials usually include information from commonly used sources, their unique presentation and interpretation may make them eligible for intellectual property protection. This interpretation provides important assistance for educational publishers, helping them to grasp the scope of their rights while ensuring that basic scientific knowledge remains accessible to all.

The ruling also clarifies important procedural details for copyright protection. This validates the evidential significance of copyright registration under Section 48 of the Copyright Act, strengthening the position of registered copyright proprietors. Furthermore, by forbidding accused infringers from using technical title defects as a

⁶¹1996 ptc (16) 597

defense when their own copying is obviously observable, the Court's handling of the assignment issue sets a helpful precedent.

Essentially, the Court's ruling upholds the integrity of educational publishing while reinforcing the judiciary's role in maintaining reasonable access to knowledge. The decision strikes a vital balance between protecting publishers' efforts to create novel educational materials and maintaining the public domain of fundamental scientific concepts. For future cases involving similar issues in educational publication and copyright protection, this view provides clear instructions.

In a time when digital reproduction makes copying easier than ever, the decision establishes a significant precedent for protecting the creative endeavors of educational publishing. It emphasizes how publishers' unique presentation, organization, and innovative additions must have robust legal protection, even though educational publications may use elements from commonly used sources. This approach allows publishers to continue investing in creating top-notch teaching resources while ensuring the unrestricted dissemination of basic scientific knowledge inside the educational system.

***SajeevPillai vs. VenuKunnapalli&Anr.*⁶²**

SajeevPillai was the director and scriptwriter for the film 'Mamankam', which would depict the lifestyle of people in ancient India. The film was made in agreement with Kavya Film Company. SajeevPillai was abruptly fired and replaced in his role as Director during the making of the film. He considered the continuation of the film he prepared with someone else directing it to be an act of Copyright infringement and took to the Law Courts. However, the Court ruled that as he had already relinquished his copyrighted work to another party, this did not constitute as an act of Copyright Infringement.

⁶²SCC Online Ker 5338

Analysis in Detail

India's copyright jurisprudence has advanced significantly as a result of the Kerala High Court's decision in *Sajeev Pillai v. VenuKunnapalli & Anr.*, especially with regard to the moral rights of authors in the entertainment sector. A nuanced explanation of how moral rights function independently of economic rights in creative works is offered by the Court's judgment. The ruling recognizes the practical realities of commercial film production while establishing essential protections for creators by upholding the continuation of moral rights after assignment.

The Court's process for weighing conflicting interests exemplifies judicial pragmatism. It acknowledged the basic significance of upholding an author's moral rights, but it also demonstrated an understanding of the financial ramifications of filmmaking. Conflicts between artistic control and commercial interests are frequent in the entertainment industry, and this fair approach offers helpful advice for future disagreements. According to the ruling, courts can create remedies that uphold moral rights without needlessly obstructing business ventures.

Additionally, the ruling makes a substantial contribution to the procedural elements of copyright protection in the motion picture business. The Court recognized the time-sensitive nature of movie releases while making sure that the author's rights are promptly taken into account by granting an expedited timeframe for the main litigation. This strategy establishes a helpful standard for handling conflicts of this nature in the future, where careful consideration of both intellectual rights and commercial timetables is required.

The judgment establishes a significant precedent for safeguarding artistic activities in the quickly expanding Indian film industry. It highlights that, despite their importance, commercial factors cannot totally supersede creators' basic moral rights. This strategy permits the industry to operate effectively while guaranteeing that writers' contributions are duly acknowledged and safeguarded. The ruling offers a framework for settling comparable conflicts in the future, which could lessen production uncertainty and safeguard both artistic and financial interests.

Sarla A. Saraogi&Ors vs. Khrishna Kishore Singh⁶³

Some of the films that Sushant Singh Rajput has acted in were published by Khrishna Kishore Singh, after the actor's death, in order to attain profits. The family of Sushant Singh Rajput, believing this to be Copyright infringement, attempted to sue him via Sarla A. Saraogi, father of the actor, in court. Sarla A. Saraogi, bringing the demise of his son to attention in court, pleaded for Sushant Singh Rajput's films and related material to not be re-released without his permission by Khrishna Kishore Singh. However, the court, after careful consideration, declared that Sushant Singh Rajput's films are no longer private property and are now public property, and the court ruled that as they now fall under public domain, Khrishna Kishore Singh has the legal right to continue as he was, and the plea was dismissed.

Analysis in Detail

An important advancement in Indian jurisprudence regarding personality rights and their applicability after death may be seen in the Krishna Kishore Singh ruling. The Court's decision sets significant rules for defending individual liberties while guaranteeing access to knowledge and artistic expression. The ruling strikes a vital balance between individual rights and creative freedom by acknowledging that, although they should be protected, personal rights cannot be perpetually extended through inheritance after death.

The Court's approach shows a deep comprehension of personality rights in the context of contemporary media. It recognizes that although people have a right to privacy and persona protection, these rights must be weighed against the public's right to knowledge and artistic expression. When it comes to real-life events and individuals, this interpretation offers media outlets and content producers vital information on the extent of their creative rights.

The ruling also clarifies important procedural aspects of personality rights protection. Verifying that these rights cannot be inherited avoids the possibility of

⁶³2023, DHC 4631

postmortem control by legal heirs restricting artistic expression. Furthermore, by safeguarding the use of previously published, uncontested material in creative works, the Court's resolution of the public domain problem sets a significant precedent.

The Court's ruling essentially upholds the judiciary's responsibility to preserve reasonable access to information while defending individual liberties. Particularly in situations involving deceased people, the decision strikes an important balance between upholding individual rights and maintaining creative freedom. For situations involving comparable issues regarding creative expression and personality rights in the media sector in the future, this interpretation offers precise recommendations.

In the digital era, where information spreads quickly and is always available, the decision establishes a significant precedent for negotiating the increasingly complicated terrain of personality rights. It emphasizes the necessity of precise legal frameworks that safeguard people's rights while they are still alive and make sure that these safeguards don't unnecessarily impede post-death public conversation and artistic expression. This strategy respects individual rights within reasonable time constraints while ensuring the free exchange of ideas and information.

The Krishna Kishore Singh case makes a substantial contribution to India's posthumous application of personality rights and jurisprudence on the subject. The Court's ruling strikes a balance between personal rights and creative freedom while establishing unambiguous guidelines for the non-inheritability of personality rights.

Star India (P) Ltd. V. Piyush Agarwal & Ors⁶⁴

Star India (P) Ltd., on the topic of cricket broadcasting, sued Piyush Agarwal; (Cricbuzz), Idea Cellular (IDEA) and OnMobile Global Ltd. (ONMOBILE) in court. The Board of Cricket Council of India (BCCI) acted as a Proforma Defendant in this case. After careful consideration, it was seen that the BCCI have indeed worked with STAR India to broadcast cricket, however, none of this points to the evidence of any

⁶⁴C.S. (O.S.) No.2722/2012, Del Hc

such right as claimed by them. Therefore, in the absence of a legal right, and because it does not breach their contract nor constitutes as copyright infringement, the suit was dismissed.

Analysis in Detail

The Star India verdict marked a significant advancement in India's media and sports legal jurisprudence, particularly in addressing the issues posed by digital technology and instantaneous information exchange. The Court's ruling provides a sophisticated framework for balancing commercial rights and the public interest in sports broadcasting. The decision guarantees public access to information while acknowledging the legitimate financial interests of broadcasters, setting important limits for future conflicts in this area.

The Court's application of the fifteen-minute delay rule demonstrates judicial pragmatism in addressing modern technology challenges. This law effectively creates a temporal distinction between material in the public domain and commercial exploitation by acknowledging that the value of sports information is inherently time-sensitive. The ruling recognizes that, despite the significant economic value of fast match updates, this value rapidly diminishes with time, allowing delayed information to be disseminated to the public without being subject to commercial restrictions.

This decision's treatment of the "Hot News" doctrine is particularly noteworthy. By rejecting this notion in favor of unjust enrichment and fair use requirements, the Court has provided a more flexible framework for addressing similar situations in the future. This approach recognizes the unique characteristics of sports broadcasting rights while preserving the public's access to basic factual information.

The Court's decision essentially provides a framework for settling similar disputes in the age of digital technology. It provides clear principles for protecting commercial rights in sports broadcasting without unnecessarily restricting information available to the public. The decision's practical approach to resolving

competing interests, particularly through the fifteen-minute delay mechanism, offers useful guidance for future disputes involving real-time information delivery and commercial rights in sports broadcasting. This precedent is likely to affect the resolution of similar disputes in a variety of industries where real-time information has significant economic value, including sports broadcasting.

***UTV Software Communication Ltd. vs. 1337X.TO &ors*⁶⁵.**

With recent developments in the IT section in the modern world, news of software thefts have begun to make rounds. This case – UTV Software Communication Ltd. V. 1337X.TO &Ors, is one of the most important judgments in order to push the government to fix this problem. On the topic of their software being stolen, UTV Software Communication Ltd. upon bringing it to the court, after careful consideration, the Delhi High Court sent out a notice of cease and desist to several websites to delete the software of UTV Software Communication. On the same note, the Ministry of Electronics and Information Technology (MeitY) and the Department of Telecommunications (DoT) were given notice to make and enforce stricter laws on the topic of software theft. Based off this, the Information Technology Act, 2000 was also amended thereafter.

Analysis in Detail

The UTV Software ruling has greatly improved India's copyright jurisprudence, especially when it comes to dealing with the problems of digital piracy. The Court's decision offers crucial rules for safeguarding copyrighted content while maintaining the core tenets of internet freedom. Although internet connectivity is essential in today's world, the ruling acknowledges that it cannot be used as a cover for pervasive copyright violations.

The Court's strategy shows a deep comprehension of the legal and technological obstacles in the fight against internet piracy. By detecting rogue websites using a qualitative method instead of a quantitative one, the Court has produced a more useful and effective framework for copyright protection. This view

⁶⁵2019 SCC Online Del 800

recognizes that enforcement would be nearly difficult if copyright owners were required to record each incident of infringement on dynamic websites.

The implementation of dynamic injunctions is a noteworthy procedural innovation. By addressing the ongoing problem of mirroring and redirecting websites, this approach enables copyright holders to react swiftly to new infringement without having to deal with the hassle of starting new legal actions. This strategy strikes a balance between the judicial economy and the requirement for efficient enforcement, and it offers a template for other jurisdictions dealing with comparable issues.

A thorough grasp of the piracy ecosystem is reflected in the Court's recommendations regarding end-user responsibility through warnings and possible fines. The ruling offers a foundation for better copyright protection in the digital era by addressing both the supply and demand sides of online infringement.

The Court's ruling essentially upholds the judiciary's responsibility to preserve fundamental rights and freedoms while adjusting legal principles to technological advancements. The decision achieves an important balance between safeguarding intellectual property rights and guaranteeing that lawful internet use is impacted. This interpretation establishes India as a jurisdiction that can successfully handle complex legal issues of the digital era while providing clear guidance for future instances concerning online copyright infringement and website blocking.

The decision establishes a significant precedent for copyright protection in the digital age, especially with regard to websites that routinely enable infringement. It draws attention to the necessity of strong yet adaptable regulatory frameworks to combat new types of online piracy without unnecessarily affecting lawful internet users and businesses. This strategy maintains the core ideas of free and open internet access within appropriate limitations while guaranteeing that copyright protection is still effective in the digital era.

From the cases highlighted above, it is visible that Copyright infringement has negatively affected not only sources of income for creative minds, but personal

as well as familiar reputation to a certain extent as well. It is also observed that the Court has begun to face an influx of cases that are unable to be resolved due to the sheer numbers as well. At the same time, the extent of Copyright infringement and the ways in which to protect copyrighted materials have been seen to be difficult to ascertain. It is made abundantly evident that Copyright law in and of itself needs to be understood and studied further for the sake of the community as a whole.

Remedies for Copyright Infringement⁶⁶

While efforts were made to ensure the responsible use of copyrighted materials, numerous instances of infringement continued to occur. To address this growing concern and protect the interests of creators, facilitating their ability to expand their creative works and seek recompense in the event of infringement, the Copyright Act, 1957, offers protection under Sections 54-70.

There are four types of remedies available against infringement of copyrights – “(i) Civil remedies (ii) Criminal remedies(iii)Appeal remedies and (iv) Administrative remedies”.

1. Civil Remedies

Understanding civil remedies requires familiarity with the concept of civil cases. Civil cases encompass a broad range of disputes, including those between individuals, families, or organizations, typically involving monetary claims, property ownership, declaratory judgments, eviction suits, and similar matters. These disputes can be complex and multifaceted, often requiring expert testimony, documentary evidence, and nuanced legal arguments. Civil Court is the forum where these disputes are resolved, with specialized judges, including Civil Judge (Junior Division), Civil Judge (Senior Division), and District Judge, hearing cases and delivering judgments.

The Civil Procedure Code, 1908 (CPC), governs the procedural aspects of civil dispute resolution, providing a comprehensive framework for the conduct of civil cases. It outlines the procedures for filing suits, issuing summons, recording

⁶⁶ Sec 54 of the Copyright Act, 1957

evidence, and delivering verdicts. It ensures that both parties receive fair treatment under the law and that due process is followed throughout the proceedings. Appeals from the Civil Court are heard by the High Court and ultimately, the Supreme Court, ensuring that justice is served and the rule of law is upheld. This appellate structure offers a safeguard against judicial errors and provides parties an opportunity for review and correction.

Having explored the concept of civil court, it is clear what remedies can be claimed. Civil remedies can include injunctions, specific performance, restitution, and compensation for damages, depending on the nature of the dispute. To illustrate this, let's examine the remedies provided by copyright law for infringement of copyrighted works, which will provide a clearer understanding of how civil courts function in specific legal contexts and offer relief to aggrieved parties through appropriate legal mechanisms.

A. Interlocutory Injunctions

This implies that if someone infringes on a copyrighted work, the concerned authority, typically the court, can issue an order directing the infringing party to refrain from further unauthorized use, distribution, or reproduction of the work. This type of injunction is typically temporary in nature and is intended to maintain the status quo while the legal proceedings are ongoing. The goal is to prevent further damage to the copyright holder's interests and to preserve the integrity and exclusivity of the original copyrighted material until the court reaches a final decision.

When considering whether to grant a temporary or interlocutory injunction, the court evaluates three critical factors. First, it must be established whether there is a *prima facie* case in favor of the applicant, meaning that the initial evidence presented justifies further legal proceedings. Second, the court considers whether the applicant would suffer irreparable harm if the injunction is not granted—harm that cannot be adequately remedied by monetary compensation. Third, the court assesses whether the balance of convenience lies in favor of granting the injunction, taking into account the potential harm to both

parties. If these conditions are satisfied, the court will likely issue the injunction, ensuring that no irreversible damage is done before the case is resolved.

B. Pecuniary Remedies

Pecuniary remedies refer to financial compensation awarded to the injured party in a legal dispute. In the context of copyright infringement, this implies that wrongdoers—those who unlawfully reproduce, distribute, or exploit copyrighted works—must provide compensation for the harm they have caused. This compensation is generally monetary and aims to restore the copyright owner to the position they would have been in had the infringement not occurred.

Such remedies can include actual damages, which are calculated based on the financial loss suffered by the copyright owner, and statutory damages, which may be awarded even in the absence of proven financial harm. Courts may also consider profits gained by the infringer as part of the total compensation. Because these remedies serve both compensatory and deterrent functions, copyright holders frequently seek pecuniary relief to not only recoup their losses but also to discourage further violations. It is a vital tool for ensuring accountability and upholding the value of creative works in a legal framework.

C. Anton Piller Orders

The concept of Anton Piller orders originates from a landmark case involving the Anton Piller AG Manufacturing Process, which resulted in the recognition of a special type of court order designed to address urgent and covert copyright infringements. These orders emerged as a robust legal tool, particularly effective in situations where there is a risk that critical evidence may be destroyed or hidden by the defendant before trial.

An Anton Piller order grants extraordinary and immediate powers to the applicant, enabling them, often with the assistance of law enforcement or court officers, to enter the premises of the alleged infringer without prior warning. They are authorized to seize infringing materials, confiscate devices used in the infringement, and compel the infringer to disclose vital records such as sales

invoices, customer lists, and distribution channels. This ensures the preservation of crucial evidence that might otherwise be lost, destroyed, or tampered with.

Furthermore, this order not only strengthens the position of copyright holders in litigation but also plays a pivotal role in preventing continued infringement during the legal process. It allows for swift enforcement of rights and signals the seriousness with which the legal system views copyright violations. Due to the invasive nature of this remedy, it is granted only under strict judicial scrutiny and in exceptional circumstances where the urgency and potential loss of evidence justify such action.

D. Mareva Injunction

A Mareva Injunction, also known as a freezing order, is a powerful legal tool that allows a copyright owner to prevent an alleged infringer from dissipating or transferring their assets before a judgment is enforced. By issuing such an injunction, the court empowers the copyright holder to immediately secure the infringing materials or assets involved in the unlawful use of the copyrighted work. This prevents the infringer from selling, hiding, or otherwise disposing of the property in question, thereby ensuring that adequate remedies remain available if the court rules in favor of the copyright holder. The primary aim of a Mareva Injunction is to prevent injustice and to maintain the effectiveness of the legal process by protecting the potential fruits of any final judgment from being rendered meaningless.

E. Norwich Pharmacal Orders

A Norwich Pharmacal Order is a unique form of disclosure order granted by a court, compelling a third party - often an uninvolved but knowledgeable individual or entity - to provide information necessary for the applicant to identify or take legal action against a wrongdoer. In the context of copyright law, this order enables the copyright owner to obtain critical information from a third party, such as an internet service provider or a financial institution, that may have records identifying the person who committed the infringement. It is particularly useful when the identity of the infringer is unknown or when evidence is held by someone not directly involved

in the wrongdoing. This legal remedy thus aids the enforcement of intellectual property rights by uncovering essential details, allowing for proper legal action to be taken.

F. Author's Special Rights

Author's special rights, often referred to as moral rights, are an essential component of intellectual property law that go beyond economic interests. These rights grant creators the ability to protect the personal and reputational value of their work. Specifically, moral rights allow authors to claim authorship of their work and to object to any distortion, mutilation, or modification that would prejudice their honor or reputation. The provision of these rights ensures that the creative connection between the author and their work remains intact, even if the economic rights are transferred to another party. However, it's important to note that these rights were traditionally focused on artistic and literary works and did not initially encompass digital products like computer software. Over time, legal interpretations have evolved to better accommodate the digital age and the needs of modern creators.

2. Criminal Remedies (Offences)

Criminal remedies in the context of copyright infringement are designed to address severe violations that not only affect the individual copyright holder but also disrupt public order and economic regulation. These remedies fall under the scope of criminal law, which involves prosecution by the state against individuals or entities that have committed an offense recognized under law. Such offenses include willful infringement of copyright, production and distribution of pirated copies, and repeated violations despite legal warnings or settlements.

Unlike civil remedies, which seek compensation or restitution for the affected party, criminal proceedings aim to punish the wrongdoer and deter future violations. Sanctions may include imprisonment, heavy fines, and confiscation of infringing goods. Under laws like BNS 2023, any infringement that meets the criteria for criminality - such as being conducted for commercial gain or involving large-scale distribution - can trigger prosecution by the government. The rationale is that such

activities not only harm the copyright holder but also pose a broader threat to the creative economy and societal respect for intellectual property.

Any individual who knowingly utilizes or facilitates the use of copyrighted material, whether through negligence or intent, can face criminal prosecution. Upon conviction, they may be liable to penalties, including monetary fines and imprisonment.

Some of the punishments are:

1. At least six months to 3 years imprisonment.
2. A fine of Rs. 50,000 to Rs. 2,00,000
3. To conduct a search of household property and confiscate offending items.
4. To confiscate the infringing property and return it to its rightful owner.

3. Appeal Remedies

Appeal remedies are legal provisions that enable a party aggrieved by a court's decision to seek a review of that decision by a higher court. This process serves as an essential check and balance within the judicial system. It ensures that lower courts adhere to legal principles and uphold justice fairly and accurately. In the context of copyright law, appeal remedies play a critical role in determining how rights are interpreted, protected, and enforced. Below are the core aspects of appeal remedies:

A. Right to Appeal

The right to appeal is not automatic in all cases, but where it is granted, it functions as a vital safeguard against judicial error. This legal right allows a party to challenge the outcome of a case by asserting that the trial court made errors in applying the law, misinterpreted evidence, or acted unfairly. In democratic legal systems, the right to appeal is rooted in the principles of natural justice and fair trial, as it ensures that no individual is unjustly bound by a mistaken or flawed judgment.

Illustration

In a copyright dispute where a court rules that a song did not infringe on another artist's work, the original artist may feel that the court failed to understand the similarities in melody and lyrics. Exercising the right to appeal, the artist can take the matter to a higher court for re-evaluation.

B. Appellate Review

The appellate review process involves a thorough legal examination of the decisions made by a lower court. Importantly, the appellate court does not typically conduct a new trial or re-hear witnesses. Instead, it reviews records from the original trial, including transcripts, exhibits, and written submissions, and assesses whether legal principles were properly applied. It may also consider whether the trial was fair and if the rights of the parties were respected throughout.

The appellate court may take several actions:

- i) Affirm the lower court's decision, meaning it agrees with it entirely.
- ii) Reverse the decision, replacing it with a new judgment.
- iii) Modify certain aspects, such as adjusting the amount of damages awarded.
- iv) Remand the case, sending it back to the lower court with instructions.

Illustration

In a copyright case where the lower court improperly admitted hearsay evidence that influenced the outcome, the appellate court may reverse the judgment on the grounds that the verdict was tainted by inadmissible material.

C. Grounds for Appeal

To file a successful appeal, it is not enough to simply be dissatisfied with the outcome. The appealing party must present valid and specific ‘grounds for appeal’. These are the legal reasons why the decision should be reconsidered. Grounds may include:

- i) Error of Law: When the court misinterprets or incorrectly applies the law.
- ii) Error of Fact: Where findings of fact are clearly unreasonable or unsupported by evidence.
- iii) Procedural Irregularities: Such as failure to notify a party, denial of a fair hearing, or bias.
- iv) Unreasonable Judgment: If the decision is grossly disproportionate or contrary to common legal principles.

Illustration

If a judge in a copyright case refuses to allow the defendant to cross-examine the plaintiff, it may constitute a procedural irregularity that violates the defendant’s right to a fair trial, forming a strong ground for appeal.

D. Remand for New Trial

Sometimes, the Appellate court cannot deliver justice by merely correcting legal mistakes. In such cases, it may decide that the entire trial was compromised or flawed, requiring a fresh trial in the lower court. A remand order essentially returns the case for reconsideration or retrial with proper legal guidelines and instructions to ensure a fair and lawful outcome.

Illustration

If a copyright dispute was dismissed because the trial court refused to accept relevant expert testimony, the appellate court may remand the case so that the testimony can be considered properly in a new trial.

E. Stay of Execution

During the appeals process, the winning party in the lower court might attempt to enforce the judgment (e.g., collect damages, seize infringing material). However, if the losing party believes the judgment is flawed and has filed an appeal, they can request a ‘stay of execution’. This temporarily halts the enforcement of the lower court’s order until the appellate court delivers its verdict. This prevents irreparable harm and maintains the status quo during legal uncertainty.

Illustration

If a trial court orders an artist to pay \$1 million in damages for alleged copyright infringement, and the artist appeals the ruling, they can request a stay to prevent payment until the higher court decides the matter.

F. Finality of Judgment

Once the appellate process concludes, the decision rendered by the appellate court becomes final and binding, unless the case qualifies for further appeal to an even higher court, such as a Supreme Court. This ‘finality of judgment’ is essential for legal closure and enforcement. It brings an end to the legal battle and allows the prevailing party to fully enforce their rights under the law.

In some legal systems, further appeal may only be allowed if there is a substantial question of law involved, or with permission (called "leave to appeal").

Illustration

If the appellate court finds in favor of a copyright owner and affirms a permanent injunction preventing further reproduction of their work, that judgment is final unless taken to the Supreme Court. The owner can now proceed to fully enforce the court order.

4. Administrative Remedies

Administrative remedies provide an essential and often efficient pathway for resolving copyright disputes without the need to initiate formal litigation in traditional courts. These remedies are particularly beneficial in reducing the burden on the judiciary and allowing for quicker, more specialized resolution of disputes. They are a form of ‘Alternative Dispute Resolution’ (ADR) but backed by statutory authority and quasi-judicial powers.

Under the Copyright Act, 1957, several designated authorities have been entrusted with the responsibility of managing and adjudicating copyright-related issues. These include:

A. Registrar of Copyrights

The Registrar of Copyrights plays a pivotal role in overseeing the administration of copyright registrations, addressing objections, resolving disputes regarding ownership, and maintaining copyright records. The Registrar can adjudicate on issues such as the validity of claims and the proper classification of works. This office is also responsible for issuing public notices and ensuring that copyright holders follow legal procedures in registrations.

B. Copyright Board (Now Intellectual Property Appellate Board - IPAB)

Previously known as the Copyright Board, the role has now been transferred to the Intellectual Property Appellate Board (IPAB). This body

handles more complex and high-stakes copyright disputes, including those involving licensing disagreements, royalty issues, and appeals from decisions made by the Registrar. The IPAB acts with powers similar to those of a civil court and has jurisdiction over matters that require expert analysis of copyright law. It provides a more focused platform for parties to contest and clarify their rights.

C. Copyright Societies

Copyright Societies are collective management organizations that represent authors, composers, and publishers in managing their rights. These societies play an administrative and enforcement role by issuing licenses, collecting royalties, and taking action against unauthorized use. Disputes arising within or involving such societies can be handled through internal mechanisms before escalating to judicial proceedings.

D. Legal Significance and Quasi-Judicial Powers

These administrative bodies function with ‘quasi-judicial authority’, meaning they can perform functions similar to a court of law. They can summon witnesses, collect evidence, conduct hearings, and issue legally binding decisions. Their powers are recognized to be on par with those of ‘Magistrates and Civil Judges’ in specific contexts, particularly when adjudicating disputes under the Copyright Act. This authority allows for structured, impartial decision-making without the need for a full-fledged court trial.

By offering these powers to specialized authorities, the system ensures:

- i) Faster resolution of disputes
- ii) Lower litigation costs for copyright holders and users
- iii) Expert handling of technical and legal aspects of copyright law
- iv) Wider access to justice, particularly for small creators and startup.

Court Jurisdiction

The Government of Mizoram divides the state into 11 districts, but the courts have their own separate divisions. There are only three judicial districts in Mizoram: Aizawl Judicial District, Lunglei Judicial District, and Champhai Judicial District.

The Court have jurisdiction exclusively over the specific district. It cannot have hand beyond its jurisdiction. To initiate a law suit, the Plaintiff must submit their suit to the court with the appropriate jurisdiction. If a Plaintiff submits their suit to the wrong jurisdiction, the court may dismiss the suit due to lack of pecuniary jurisdiction.

In copyright-related cases, the court where the suit is instituted depends on the monetary claims made. Suits with lower monetary claims are filed in the Civil Judge (Junior Division), while those with higher claims are filed in the Civil Judge (Senior Division). In criminal cases, the suit is first heard by the Judicial Magistrate First Class.

If any party is dissatisfied with the judgment, they have the right to appeal to a higher court. The right to appeal is a fundamental right that cannot be underestimated, providing an opportunity for further review and potential reversal of the original decision.

CHAPTER - 4

COPYRIGHT AWARENESS IN THE MIZO COMMUNITY

The previous chapter dealt the general concept of intellectual property law, copyright law, the administrative protection of copyright infringement and its exception, the remedial measure and an analyzation of the case pertaining to the copyright infringement which was already settled by the Apex Court. It gives an insight to fair use to which a person can utilize others copyrighted works without any violation of the existing statute. It is a systematic study of the administration of copyright protection construed under copyright law.

This chapter is particularly confined to the study of copyright awareness in the Mizo community. The data has been gathered through personal interviews consisting of structured and unstructured. Due to the absence of prior research in this domain, this study is purely based on empirical type of research, seeking to provide fresh perspectives and insights. The method of purposive sampling technique has been applied to find out and document the extent of Copyright awareness in the Mizo community, as well as to understand the depth of literary works in Mizoram. In order to obtain the results, it was interacted with 30 people, who are involved and concerned in the field of literary and artistic works like Writers, Poets and Artists associated with the organization of ‘Mizo Writers Association’ (MWA); ‘Mizo Academy of Letters’ (MAL); ‘Mizo Poetry Society’ (MPS); ‘MizoZaimiInsuihkhawm’ (MZI) and ‘Music Domain Mizoram’ (MDM). (Specific)In short, it is a brief examination of copyright related works in the Mizo community.

An Overview of Mizoram

Mizoram, sometimes referred to as "the land of Blue Mountains," is renowned for its breathtaking scenery. With its vast array of landscapes, hilly terrains, winding streams, deep gorges, and abundant flora and fauna, it is a repository of natural beauty.

The State of Mizoram is a tongue-shaped hilly area that lies between 92° 16 and 93° 26 East and 21° 56 and 24° 31 North. This is the area where the cancer tropic flows. It is 21,090 square kilometers in size. Cachar District and Manipur State border it on the north, the Chin and Arakan Hills of Burma border it on the east and south, and the Chittagong Hill Tracts of Bangladesh and Tripura State border it on the west. There were 1,097,206 people living there as of the 2011 Census, with 555,339 men and 541,867 women. Of the 888,573 people living there in 2001, 459,109 were men and 429,464 were women.⁶⁷

According to 2011 census, the Age-wise population of Mizoram is as follows:⁶⁸

Table - 1

AGE-WISE POPULATION			
SN	Parameters & Indicators	Unit	2011
1	All Ages		
	a) Total	Persons	400309
	b) Male	Persons	199270
	c) Female	Persons	201039
2	0-4 Years		
	a) Total	Persons	37825
	b) Male	Persons	19119

⁶⁷“The detail analysis of Population Census 2011 published by Govt. of India for Mizoram State” Website (<http://www.census 2011.co.in/census/state/mizoram.html>). Accessed on 23.3.2022.

⁶⁸ “Age-wised population in Mizoram” (http://www.mizoramdata.mizoram.gov.in/demography/index.php?page=census_age&title=Age-Wise%20Population%20-%20Census%20of%20Mizoram) Accessed on 14.4.2025

	c) Female	Persons	18706
3	5-9 Years		
	a) Total	Persons	36719
	b) Male	Persons	18490
	c) Female	Persons	18229
4	10-14 Years		
	a) Total	Persons	38075
	b) Male	Persons	19167
	c) Female	Persons	18908
5	15-19 Years		
	a) Total	Persons	41116
	b) Male	Persons	20608
	c) Female	Persons	20508
6	20-24 Years		
	a) Total	Persons	42733
	b) Male	Persons	21187
	c) Female	Persons	21546
7	25-29 Years		
	a) Total	Persons	39424

	b) Male	Persons	19518
	c) Female	Persons	19906
8	30-34 Years		
	a) Total	Persons	34857
	b) Male	Persons	17061
	c) Female	Persons	17796
9	35-39 Years		
	a) Total	Persons	28683
	b) Male	Persons	14225
	c) Female	Persons	14458
10	40-44 Years		
	a) Total	Persons	23151
	b) Male	Persons	11628
	c) Female	Persons	11523
11	45-49 Years		
	a) Total	Persons	21403
	b) Male	Persons	10478
	c) Female	Persons	10925
12	50-54 Years		

	a) Total	Persons	17223
	b) Male	Persons	8522
	c) Female	Persons	8701
13	55-59 Years		
	a) Total	Persons	12118
	b) Male	Persons	6128
	c) Female	Persons	5990
14	60-64 Years		
	a) Total	Persons	9243
	b) Male	Persons	4520
	c) Female	Persons	4723
15	65-69 Years		
	a) Total	Persons	6208
	b) Male	Persons	3015
	c) Female	Persons	3193
16	70-74 Years		
	a) Total	Persons	4778
	b) Male	Persons	2363
	c) Female	Persons	2415

17	75-79 Years		
	a) Total	Persons	3172
	b) Male	Persons	1516
	c) Female	Persons	1656
18	80+ Years		
	a) Total	Persons	3350
	b) Male	Persons	1570
	c) Female	Persons	1780
19	Age Not Stated		
	a) Total	Persons	231
	b) Male	Persons	155
	c) Female	Persons	76

The population of Mizoram State is currently estimated to be 12.60 Lac (12,60,345), which is a 14.87% growth over the population as reported in the 2011 census. The projected numbers for males and females in 2025 are 6.35 Lac and 6.25 Lac, respectively. The expected population of Mizoram State is 12.70 Lac (12,70,292) in 2026, which is a 15.78% increase over the state's 2011 census population. The projected numbers for males and females in 2026 are 6.40 Lac and 6.30 Lac, respectively.⁶⁹

⁶⁹*Ibid.*

The Lushai Hills (i.e. Mizoram), was inhabited by numbers of Tribes and Sub-Tribes speaking different dialects of the same language. The major tribes were known as 'Mizo' and the common sub tribes were Mara, Lai, Kuki, Lakher etc. But, it is believed that all they were coming from the same place i.e. '*Chhinlung*' and considered themselves as '*Zohnahthlak*'. Besides, there were also some Chakma people, who originally belong to the Chittagong hills of Bangladesh⁷⁰ and seek rehabilitation in Mizoram. They were a distinct tribe and have no connection with the mainland of '*Zohnahthlak*'. They were refugee and at the same time, they were foreigners. It was a hilly state, and one of the region's oddities is that the hills rise over the plains more suddenly. The ranges range in general height from 900 to 2165 meters.

The state is made up of tertiary-aged sandstones and shale that have been arranged in lengthy folds with axes that run almost north and south. It is well-known for the abundance of its plants and animals. The weather is moderate—neither too hot nor too cold. The summer months have the highest average temperature of 30°C, while the winter months have the lowest average temperature of about 11°C.⁷¹

The main occupation of the people is agriculture. The main pattern of agriculture followed is Shifting Cultivation,⁷² which is also known as '*Jhumming*'. Almost half of the population is engaged in this occupation. But at the same time, it is a matter of pride to say that there was no caste and class system in the society.⁷³ A spirit of equality persists in the society and even rich and poor wore a same dress and have a same food. They more or less followed or imitate the western culture.

Christianity is the main religion of the people. It will not be wrong to state that all the people of Mizo follow Christianity. But the percentage of Christianity is

⁷⁰Joshi, Hargovind (2005). *Mizoram : Past & Present*. Mittal Publications, p.8.

⁷¹<http://www.mizoram.nic.in/about/people.htm>) Accessed on 8.7.2024.

⁷²Hargovind Joshi, *op.cit.*,p.1.

⁷³J Zorema, *op.cit.* p.12.

87%⁷⁴ due to the other tribes settle in Mizoram State. Now, it is the third highest Literacy State in India, next to the Lakshadweep and Kerala with achieving 93.7%.⁷⁵ The major language of the people is ‘Mizo’ and at the same time English is also popularly used in the Official papers and also in terms of communication.

Social Life of Mizoram

According to the dictates of sociologist, society developed from a dynamic and ongoing process from an individual person, grew in families and eventually expanded through the union of these families. The geography of land, shifts in climate and government policies can all impact the structure and dynamics of the society. A well governed society tends to thrive and become harmonious, whereas poor governance can lead to chaos and disorder.

When studying society, considering the historical context, Mizo societies experience is perpetual conflict, which has instilled a preference for community living over isolation. Traditionally, men would gather at the *Zawlbuk*, a communal meeting place to learn from each other, share experiences and build community.

The tradition of communal gathering, rooted in the *Zawlbuk* remains an integral part of their culture. Even when living abroad, the Mizo tends to congregate, establish our own organizations and celebrate their culture together. It is no exaggeration to say that communal gathering is a fundamental aspect of happiness for the Mizo.

In Mizo society, ‘*Tlawmngaihna*’ represents the pinnacle of kindness, where individuals prioritize helping others without seeking anything in return. The Mizo people’s selfless nature and prioritisation of others needs, while admirable can sometimes leads to lack of assertiveness. This results in a tendency to lend things

⁷⁴ “Christianity in Mizoram” (http://en.wikipedia.org/wiki/Christianity_in_Mizoram) Accessed on 10.8.2023

⁷⁵ “Literacy rate in India” (<http://www.indiaonlinepages.com/population/literacy-rate-in-india.html>) Accessed on 29.3.2024.

freely and borrow without hesitation, potentially shifting innovation and personal creativity.

One distinct feature of the Mizo people is their exceptional ability to adapt and reimagining existing ideas even if they may not always be at the forefront of innovation. Their remarkable ability to recreate things with even greater realism than the originals suggests that the Mizo people possess a latent capacity for creative innovation. The absence of guidance and support has hindered the Mizo peoples' ability to discover their own potential and capacities.

The Mizo society has a strong cultural aversion to possessiveness and individual ownership. A striking example of the Mizo society's aversion to individual greatness can be seen in the folk tale of Pi Hmuaki, a talented song composer. Fearful that her exceptional abilities would leave no room for younger generations to create, she was tragically buried alive. According to legend, even as the earth was piled upon her grave, Pi Hmuaki continued to compose songs.

Analysing this, it becomes clear that the Mizo people's action, as seen in the tale, stem not from malice or aggression but rather from a deep seated desire for egalitarianism. This is embodied in the concept of '*semsem dam dam, eibilthithi*'. The Mizo people's indifference to patenting their own creation is striking. Their cultural emphasis on communal sharing and togetherness persists, even in today's post-modern society. This bares both positive and negative impacts on the growth and development of Copyright law.

Analysis of Mizo Literary Publications and Authorship Disputes

Before diving into the analysis of the provided lists, it is important to understand that Mizo literature has evolved through various significant periods. Beginning with rich oral traditions before developing into written form after the introduction of the Mizo alphabet around 1894, Mizo literature has grown to encompass diverse genres reflecting the cultural, historical, and spiritual journey of the Mizo people.

Copyright and the Mizo Community

The Mizo Academy of Letters (MAL) was established in 1964. It was the first organisation established for the purpose of developing and improving the domain of literature. Prior to this, there was no record of any such establishment. Since its inception, the MAL has not organised any seminar or workshop centred on the topic of Copyright law.

The first mention of copyright in the history of Mizo literature can be traced back to 1976, when the Mizo Academy of Letters purchased the copyright ownership to Rev. Liangkhaia's book *Mizo History*⁷⁶. Taking these into accounts, the year 1976 could be considered as the epoch of Mizo communal recognition of Copyright.

A year later in 1977, the Mizo Writers Association (MWA), a group of writers, was officially established. The association has not organised more than one seminar on copyright awareness. The first such event was on 25th October, 2022 at "Lehkhabu Pho Runpui" (Book Fest), where Mr T. Lalnunsiana presented a paper titled, "Mizo community and the Copyright Act, 1957". The one-day seminar was productively spent on the in-depth study of the nature and cultural perception of copyright.

A few years later in 1980, CYMA (Central Young Mizo Association) purchased the copyright to 'TaitesenaChanchin' from the author.⁷⁷ However, there is no documentation of how and for how much the copyright was sold. By 1989, Mr.LaltluanglianaKhangte bought back the copyright to his grandfather Rev Liangkhaia's book 'MizoChanchin' from MAL (Mizo Academy of Letters)⁷⁸.

In the meantime, despite the limited knowledge in relation to copyright, the Mizo society is strangely familiar with the nature and meaning of Copyright. In

⁷⁶Liangkhaia (1976).*MizoChanchin*. Independently published, p.1

⁷⁷CYMA (Central Young Mizo Association) purchased the copyright to *TaitesenaChanchin* from the author (P. L. Liandinga, personal communication, May 30, 2023)

⁷⁸ The Copyright of 'MizoChanchin' was brought back by his grandson, LaltluanglianaKhangte from MAL (Mizo Academy of Letters)" (LaltluanglianaKhangte, personal communication, July 12, 2022)

1990, the owner of Gilzom offset, Mr. R. Lalrawna published the works of JF Laldailova and James Dokhuma whereby he financed the publication in its entirety.⁷⁹ Despite the lack of written agreement between the publisher and the writer, it is evident that there was a mutual understanding between them. Under such circumstance, oftentimes the publisher has the ownership to the works. All these are covered under Copyright Law.

MC Lalrinthanga has also published 51 books of the works of other people under MCL Publications⁸⁰. He also does not have written agreements and undertakes the ventures as is convenient. It is rather unfortunate that there is no documentation of these agreements. Through the years there have been several instances of people publishing other people's works. Although there has not been a legitimate publication house, the relatively new establishments - Fraser Publication and 'In Lehkha' have been recently publishing people's works. This sort of arrangement is the fore grounds of awareness on the topic of Copyright.

Given below is a list of books published by MCL Publications:

1. Anpai lanu	-	HRK Lalbiakliana
2. Awithangpa	-	R. Vanlawma
3. Bawktlang thawnthu	-	L. Keivom
4. Chakma-te	-	M.C. Lalrinthanga
5. Chhurbura	-	R.F. Irish
6. Chinbawr	-	Revd. Chuauthuama
7. Evan F. Lalbiakliana Pathian thuchah	-	F. Lalbiakliana
8. Hmangaihna chul lo	-	Lalremsiama
9. Hringlang tlang	-	C. Vanlallawma
10. Israel-te chanchin	-	R. Vanlawma

⁷⁹ "The works of JF Laldailova and James Dokhuma was published by Mr. R. Lalrawna, Owner of GilzomOffset on his own expenses in the year 1990. However copyright issue was not discussed at the relevant time." (R. Lalrawna, personal communication, July 19, 2022)

⁸⁰ MCL Publications referred to MC Lalrinthanga Publications, and the data of book published by MCL Publication was given to me by his son, MC Lalthianghlina on June 19, 2022).

11. Jim Corbet-a sakei kah thu	-	Chhawnmanga
12. Ka ram leh kei	-	R. Vanlawma
13. Kennedy thurochhiah	-	J.F. Laldailova
14. Khawvel leh lam	-	R. Vanlawma
15. L. Malsawma Colney	-	M.C. Lalrinthanga
16. Laisuih	-	A.M.P.G.S.U
17. Lalramliana	-	Zikpuii pa
18. Lungualna tlang	-	Zikpuii pa
19. Lushai Scout	-	R.K. Hranga
20. M. Lalmanzuala chanchin	-	M.C. Lalrinthanga
21. Market Evangelism	-	K.LRochama
22. Milu lak lehVai run chanchin	-	F. Lalremsiamia
23. Missionary-te hnuhma	-	Rev. Z.T. Sangkhuma
24. Mizo hnam puipate	-	C. Vanlallawma
25. Mizoram Gorkha	-	L.B Chhetri
26. Nghilhlohna par	-	P.S. Chawngthu
27. Nunna kawngThuampuiah	-	Zikpuii pa
28. Pherzawl titi	-	L. Keivom
29. Phoolan Devi	-	C. Lalhmanmawia
30. Phunga te chhung	-	K.LRochama
31. Rokunga Hlate	-	Rokunga Memorial Society
32. Selected Mizo Folk Tales	-	Lal Dena
33. Siamkima nghilh loh nan	-	M.C. Lalrinthanga
34. Telela	-	Vanlalngaia
35. Thlai thar hralhna	-	Lawmthanga
36. Thuthlung ram	-	L. Keivom
37. Veronica	-	R. Vanlawma
38. Zalenna ram	-	SiamkimaKhawlhling
39. Ziaktu ropuiZikpuii Pa	-	M.C. Lalrinthanga
40. Zoram khawvel - 1	-	L. Keivom
41. Zoram khawvel - 2	-	L. Keivom

42. Zoram khawvel - 3	-	L. Keivom
43. Zoram khawvel - 4	-	L. Keivom
44. Zoram khawvel - 5	-	L. Keivom
45. Zoram khawvel - 6	-	L. Keivom
46. Zoram khawvel - 7	-	L. Keivom
47. Zoram khawvel - 8	-	L. Keivom
48. Zoram Politics Lumleh Dan	-	A. Thanglura
49. Zoram Politik (1976-1986)	-	M.C. Lalrinthanga
50. Zoram tan hmasawnna thuchah	-	Vawmphunga
51. Zozam par	-	Zikpuii Pa

MCL Publications: Thematic Analysis and Major Contributors

It is reiterated that M.C. Lalrinthanga Publications (MCL Publications) has published a diverse collection of 51 books spanning multiple genres and themes. A careful examination of this catalog reveals several interesting patterns and prominent contributors to Mizo literature.

Major Authors and Their Contributions

1. L. Keivom

With at least 10 publications including the extensive "Zoram khawvel" series (volumes 1-8), Keivom emerges as one of the most prolific authors published by MCL. His works primarily focus on Mizo history, culture, and religious themes.

2. R. Vanlawma

Contributing 6 books to the catalog, R. Vanlawma's works span historical accounts, personal reflections, and creative literature. His book "Awithangpa" is noteworthy as it represents a significant contribution to the documentation of Mizo literary figures.

3. Zikpuii Pa

With 4 publications, Zikpuii Pa (a pen name) has contributed significantly to Mizo creative literature. Works like "Nunna kawng Thuampaiah" and "Zozam par" showcase the development of literary fiction in Mizo language.

4. M.C. Lalrinthanga

The publisher himself has authored 4 books, focusing primarily on biographical works and historical accounts, suggesting a particular interest in preserving Mizo historical narratives.

Thematic Classification

The MCL Publications catalog can be classified into the following thematic categories:

1. Historical and Cultural Documentation

A significant portion of the catalog is dedicated to documenting Mizo history and culture. The "Zoramk hawvel" series (volumes 1-8) by L. Keivom represents a comprehensive attempt to document Mizo historical narratives. Other notable works in this category include "Mizo hnam puipate" by C. Vanlallawma and "Israel-te chanchin" by R. Vanlawma.

2. Biographical Works

The catalog includes several biographical works that document the lives of significant Mizo personalities, such as "Siamkima nghilh loh nan" and "M. Lalmanzuala chanchin" by M.C. Lalrinthanga, and "Ziaktu ropui Zikpuii Pa" which documents the life and contributions of the prominent Mizo writer Zikpuii Pa.

3. Religious and Spiritual Texts

Religious themes are prominent in works like "Evan F. LalbiaklianaPathianthuchah" by F. Lalbiakliana, "Market Evangelism" by K.L.

Rochama, and "Missionary-te hnuhma" by Rev. Z.T. Sangkhuma, reflecting the significant influence of Christianity on modern Mizo literature.

4. Creative Literature

The catalog includes several works of fiction and creative literature, such as "Anpailanu" by HRK Lalbiakliana, "Telela" by Vanlalngaia, and "Zalenna ram" by Siamkima Khawlhling. Siamkima Khawlhling is recognized as one of the prominent writers during the modern period of Mizo literature (1970-present).

At the same time, 'In Lehkha' Publication has also started publishing books authored by others since 2021 and as of today they have 6 publications. However, when they published the books, they do not own the copyright to the works. They have legal agreements with the authors mentioning that they cannot publish the work with other publishers before the expiration of a given date⁸¹.

The following is a list of books that have been published by In Lehkha:

1. Thunun Thawnthu	K. Lalchhuansangi	2022
2. Bellicose Warriors	Debbie Rinawmi	2022
3. Aikaih	Anita VL Nunmawii	2023
4. Nihawi	Anita VL Nunmawii	2023
5. Hawrawp Biru	C. Lalruatzauva	2023
6. Hnehna Kawnghren	Pu. Zova (Zothanmawia)	2023

A significant point to note is that although there is no legal agreement between the author and publisher, and there has not been any dispute between the parties. Even if there is a conflict of interest, it mainly connotes a contestation over the distribution of profits rather than copyright issue. Thus, although there have been minor cases of copyright issues, none has been brought to Law Court, or even Village Council (VC) Court. Taking this into consideration, it can be deduced that

⁸¹“Before expiry of the given date, the books which has been published by ‘In Lehkha Publications’ cannot be published by other Publisher” (Anita Vanlalnunmawii, personal communication, July 19, 2022).

most Mizo publishers and authors do not publish books for the mere goal of making profits.

However, there have been several cases of ownership issues in composers and song tunes. At one point, the local papers were flooded with news of song ownership. Such conflicts mainly arise from ownership claims rather than cases of plagiarism and monetary disputes. There are also cases that cannot come under Copyright.

Literary Ownership Disputes: Patterns and Significance

The documentation of 33 literary ownership disputes settled outside court, primarily concerning song authorship, reveals important aspects of Mizo literary culture and its development.⁸²

Recurring Disputants

Several names appear repeatedly in these disputes:

1. Patea

His name was involved in at least 9 disputes, Patea appears to be one of the most contested authors, with works like "Aw Kalvari tlang chungah chuan" and "Pialral ka ngai ka lal lenna" being claimed by multiple authors.

2. R. Thanghuta

Featured in 7 disputes, R. Thanghuta's works, especially religious songs, have been subject to contested authorship.

3. Saihnuna

Involved in 5 disputes, Saihnuna's works represent important contributions to Mizo literature that have been subject to contested ownership.

⁸² The volume of 33 literary ownership disputes which were settled outside the court was duly documented by B. Lalthangliana.

4. Pastor Chhawna

Featured in 4 disputes, primarily concerning religious songs and hymns.

Nature of the Disputes

The majority of disputes involve song lyrics, particularly religious songs and traditional Mizo songs. This pattern reflects the significant place of songs in Mizo culture, which is known as a "singing tribe" with "a variety of styles and genres that include folk narratives, proverbs, songs, tales, nursery rhymes, riddles, war songs, sacrificial chants etc."

The frequency of these disputes highlights the complex nature of oral traditions transitioning to written attribution in Mizo culture. Many of these songs likely originated in the oral tradition before being formally documented, leading to multiple claims of authorship.

It is believed that the first case brought to court that garnered public interest in the realm of literature was the song ownership dispute where Leng Chief Saihnuna's relatives sued B. Lalthangliana in 2005. The case was that B. Lalthangliana wrote in his book *Mizo Literature* that the five songs mentioned were written by Damhauha. Whereas, the families of Leng Chief Saihnuna claimed the songs were written by their grandfather Saihnuna and the matter was brought to the court against B. Lalthangliana. The court could not come to a settlement so the case was taken to LokAdalat. The case eventually ended without any proper settlement.

The formal legal dispute provides an interesting case study of how literary disputes were formally addressed. The dispute involved B. Lalthangliana, who is a significant figure in Mizo literature. He is mentioned in the search results as the author of "Mizo Literature" (1993) and "KaLungkham" (1989), both of which received the Book of the Year award from the Mizo Academy of Letters.

The dispute centered around both song authorship and the use of potentially defamatory language ("sikrawn") in B. Lalthangliana's book. The resolution

involved a formal statement clarifying the intended meaning of the term and an agreement to leave the true authorship of certain songs to future scholarly research, demonstrating a mature approach to literary disputes.

**PERMANENT LOK ADALAT,
CONTINUOUS COUNSELLING & CONCILIATION CENTRE
AIZAWL: MIZORAM**

LOK ADALAT SITING HELD ON 29.5.2022

Case Reference: C/S-23/96(B)

Parties:

F. Ronguava
S/o Lalchuanga (L),
Republic Venghlun

v/s

B. Lalthangliana,
S/o Ringchina (L),
Lecturer, Hrangbana College

Terms of Agreement

Both the Parties are present and the parties have come to an amicable settlement at LokAdalat. The parties have agreed that the true author of the songs -

- “1. Pathian ta a ni, he in hi.
2. Thalfavang kawl eng
3. Rihlipui hi thlafam leng kaina
4. Kan sawm fang a eng siauva
5. Ni leh thla leh arsi an dang chuang lo’”

These will be left to be studied by other scholars after proper research. Pu B. Lalthangliana has also explained that the term “Saihnuna hian sikrawn hlawh deuh mah se” was used in his book “Mizo Literature” because he regarded Saihnuna (L) to be above others and to show his high regard, and was not meant to be defamatory. B. Lalthangliana has agreed to explain the reason why he used the term “sikrawn” against Saihnuna (L) in the local newspapers and literary circles at the earliest.

Thus, on having come to an amicable settlement both the parties have agreed to have their dispute withdrawn from the court.

Conciliator

1. Sd/- LAIROTLUANGA
2. Sd/- K.V. TLANGMAWIA
3. Sd/- ZOPARI
4. Sd/- ROBERT LALCHHUANA

Parties

1. Sd/- F. RONGUAUVA
- 2.Sd/-B. LALTHANGLIANA

Sd/-

MARLI VANKUNGI,

Recording Secretary

No.L-86/2002-PCC (A)

Dated Aizawl, the 4th June, 2002.

Copy to:-

1. The Member Secretary, State Legal Services Authority, Aizawl.
2. The Magistrate 1st Class, Sub-District Council Court, Aizawl.
3. F. Ronguauva, S/o Lalchuanga, Republic Venghlun-I.
4. B. Lalthangliana S/o Ringchina (L), Literature, Hrangbana College, Aizawl.

PESHKAR

As per this court agreement, a statement was issued on a newspaper as below.

SIKRAWN

In case of buffaloes, yak and cows, the weaker ones would 'sikrawn' the stronger and dominant ones. The ones being 'sikrawn' are evidently superior to the ones who performed the act of 'sikrawn'. This should not be confused with 'sualrawn'.

B. Lalthangliana

In my book Mizo Literature, 1993, on 202 page, in the essence of what is mentioned above I wrote, "Amongst the cases of confusion about songwriter, Saihnuna has been a target of 'sikrawn'. I used this term not with a vein of deprecation but rather with admiration. I hope my intention is not misunderstood or misinterpreted.

To

The Editor,
Thu lehHla, Vanglaini, AizawlThupuan

I would be very grateful if you could publish the statement above in your newspaper (Magazine).

Your colleague,

(B. LALTHANGLIANA)

ChhingaVeng, Aizawl.

Dt.18.June.2002

Significance for Mizo Literary Development

These publications and disputes illustrate several important aspects of Mizo literary development:

1. Transition from Oral to Written Tradition:

The numerous authorship disputes reflect the challenges of transitioning from an oral tradition to a written literary culture, where attribution becomes more formalized.

2. Importance of Religious Themes:

Many of the disputed works and published books deal with religious themes, reflecting the significant influence of Christianity on Mizo literature since the early period (1894-1920).

3. Historical Documentation:

A significant portion of both publishers' catalogs focuses on historical documentation, biographies, and cultural preservation, suggesting a strong cultural imperative to record and preserve Mizo history and customs.

4. Literary Institutional Development:

The formal resolution mechanisms for disputes and the existence of dedicated publishers demonstrate the development of literary institutions in Mizoram. This institutional development is also evidenced by organizations like the Mizo Academy of Letters (MAL), which has been awarding the Book of the Year since 1989.

An important observation is that, while there is growing awareness about law and order and the general mass strives for justice, the mentioned case has been the only one in record. There is only a small number of court case related to book publication, and these cases are mostly defamation cases rather than ownership dispute cases. The number of cases that are brought to court ought to be relatively more.

At the same time, there are numbers of plagiarism and ownership cases that do not make it to court. The case of Mizoram University (MZU) Professor O. Rosanga, Department of History & Ethnology caused a great controversy. Mr Rosanga's thesis was plagiarised, a huge portion of the contents was copied and

pasted. This too, was settled out of court.⁸³ The Mizo essence of forgiveness and leniency should perhaps be brought under scrutiny to make sure it does not turn a blind eye to violations of laws.

In 1990, the story of Lamsuaka, the first Mizo who was hanged was published in a book. A great dispute ensued between the publisher and the family of Lamsuaka regarding the copyright issues. The case was nearly brought to the VC Court. However, the author informed the family in a letter that the information he had received was incomplete and needed extensive editing and provision in order to build a whole story. As such, it is appropriate to claim the work's publisher and authorship as the editor and compiler. Since the publisher made a strong claim, the family did not retaliate for long and the case was closed.⁸⁴

There have been other minor cases of theft and ownership disputes in the field of literature. It was a conflict regarding the Mizo translation of Shakespeare's "Hamlet" between two Mizo prominent writers. Also, in regards to a publication of a Mizo General Knowledge books, one writer state that all of his content was copied and simply pasted in his new book. However, these cases were also closed without legal settlement.

In recent years, in the annual magazine of a reputed college in Mizoram, an undergraduate student published plagiarised content. There was also a dispute regarding the copyright issue of the English translation of Chemtatrahta.

The history of Mizo translated works can be traced back to the early twentieth century. A popular Christian literature, 'The Pilgrim's Progress' written by John Bunyan was translated way back in 1910 by Pastor Chuahtera as '*KristianVanramKawngZawh*'. In 1916, Harriet Beecher Stowe's book "Uncle Tom's Cabin" was also translated as "*PuTawma In*" by Mr Chawngchhingpuia.

⁸³ "Mr. O. Rosanga thesis was plagiarised. A huge chunk of the contents was copied and pasted. However it was settled out of court" (B. Lalthangliana, personal communication, July 12, 2022).

⁸⁴ "In 1990, there was a dispute between the Publisher of 'LamsuakaChanchin' and the family of Lamsuaka regarding the Copyright issue. The case was referred to the VC Court, and it was settled on mutual understanding" (B. Lalthangliana, personal communication, May 5, 2022).

Pastor Nikhama translated 'Quavadis' in 1954. These works that were produced several years ago remains as an important literary archive and are valued greatly by society.

Amongst the younger generation, the most prominent translator is Mr PL Liandinga. He has translated the full series of Sherlock Holmes and Arabian Nights, including a few of Shakespeare's plays. He evidently did not acquire the Copyright license for most of his translations. In this case, PL Liandinga did not acquire the license because his work was marketed and did not generate monetary profits.⁸⁵ Unless a person reproduced a work with the aim of profiting from it, it is not necessary to get the license and cannot be considered as violation of rights. This implicates that every person have the right to source from other people's works a lot of the time.

In fact, the majority of Mizo translators do not obtain a license from the original work's publisher. The reason for this is either that the original author of the work is unlikely to be aware of the translation or that they lack the etiquette to do so. Furthermore, reaching out to publishers who live all over the world by hand is a laborious task.

The main reason the Mizo people are not familiar with Copyright is because it is a small community. Writing cannot be taken up as a profession as in other communities. 2000 copies sold could be considered an above average sale for most books. Since writing is not the main source of income for these subjects, the topic of plagiarism or copyright violation is not considered a major offence.

There has not been a record of copyright violation that leads to financial discrepancies or abolition of an individual's source of income. The main issue centres on the issue of ownership. Perhaps this is the reason copyright issue is not brought to court, even after the separation of judiciary.

⁸⁵ P.L. Liandinga, personal communication, June 7, 2022

Since 2010, there has been an unprecedented growth in the field of Information Technology (IT). This IT wave flooded even the most remote corners of Northeast India, including Mizoram. The community got introduced to the flare of monetising YouTube. As of today, there are people who use this platform as their main source of income. When the owners of these channels want to produce videos, they need content. For this they often have to reproduce existing source, often literature. Although this is a form of development and modernization, it is also the fore causality of literary theft.

At one point, there was a major dispute between a well-known Youtuber and a prominent Mizo writer Mr PL Liandinga. The root cause was that the owner of the channel sourced his content from PL Liandinga's book which was a translated work. The Youtuber created an audio book by reading PL Liandinga's book and uploaded the same as a content in his channel, marketing it for personal profit. Once PL Liandinga was made aware of this, he requested the channel owner to discontinue his reading and delete the uploaded video and audio. Amidst this issue, the question of whether PL Liandinga acquired license to translate the book from the original author arose. The case quickly escalated but was settled out of court.

Mr. PL Liandinga, started publishing his Mizo translation of the Sherlock Holmes series into a book from the mid 1980s. In the meantime, he had admitted himself that he had not acquired a license or obtained consent from the original author to legally translate the aforesaid work and implied that his actions were done in good faith in furtherance of enriching Mizo literature. Nevertheless, his work has been critically acclaimed among the Mizo community. Such being a situation, a question may come that whether Mr. PL Liandinga infringes the copyright of the former. However, the answer is according to section 22 of the Copyright Act, 1957, copyright in a literary work subsist within the lifetime of the author until sixty years from the beginning of the calendar year next following the year in which the author dies and since the original author of the Sherlock Holmes novel Sir Arthur Conan Doyle died in 1930, it can be confidently proclaimed that the Sherlock Holmes novels now belong to the public domain as the copyright protection expired in 1990.

Upon realizing that Sherlock Holmes Novels are no longer copyright protected universally after being on public domain in India, the question may be posed whether the translation itself can qualify for copyright protection under Indian law. In the instant case, Mr. PL Liandingastated that he had put special labour and effort other than merely translating the original work into Mizo. In fact, the translation had been done by exchanging some wordings of items that may only be relevant and understood by the citizens residing in United Kingdom to meaningful interpretations that may be understood by the Mizo citizens, who both from distinct cultures live very distinct lifestyles.

As such, if the author able to establish that his translations fit under the category of derivative works due to its nature and that he is able to have his input by skill, labour and capital involved in the derivative work, and also put forth a minimum level of creativity, the copyright protection in his work may subsist, with the help of judicial interpretation in *Eastern Book Company v. DB Modak*.⁸⁶ Therefore, he may naturally be deemed to be a copyright holder of the said work, being the copyright owner he may sue a person who he thinks to infringe his copyright and claim either civil or criminal remedy against that person under Section 55 and Section 63 of the Copyright Act, 1957.

Furthermore, in the year 2020, an incident regarding the dispute of copyright ownership over the FTH Youtube Channel came into the limelight. Since all the contents of the said FTH Youtube channel were not copyrighted and registered, all the contents disappeared and were automatically deleted. This was due to the rising of copyright ownership dispute over the said Youtube Channel.

In mid 2023, a new breakout artist that goes by the name Guru Gee and his producer were entangled in a copyright ownership dispute. Guru Gee posted on social media that the producer made a profit from his song while he did not receive any money from it. The producer considered this as personal defamation and issued a legal notice through a lawyer. This too was settled between the two parties before the issue was brought to court.

⁸⁶AIR 2008 SC 809

In the same year, a Mizo film '*Ka U Liana*' was released. The data of the film were stolen, reproduced and marketed. This issue was brought to Cyber-crime and the perpetrator was caught by the Police. This was a step forward in the realm of Copyright. The case was all about the infringement of other copyrighted work for personal gains. The accused Lalremsiama is charged with making a duplicate copy of the film '*Ka U Liana*' without taking the consent and permission of the producers. As a consequence, the complainant not only does not make any profit but also utterly fails to earn back the production cost of the said film. However, at the time of consideration of charge, the accused confessed before the court that the accusations made against him were true and that he was indeed guilty therefore the court granted him a merciful sentence. As such, the trial Court sentenced the accused to be incarcerated for a period of three days and to pay a fine of Rs. 10000/-. The case has been considered settled since.

Realising the demand and the necessity of awareness, ICFAI University on 23th May, 2017 organized a seminar on Copyright with Mr.C. Lalfakzuala, Advocate as a Resource Person. He presented a concise and informative paper on the nature of Copyright act and the premise of Copyright violation. His used a PowerPoint demonstration which furthers the clarity of the topic and the presentation was followed by a long interactive session and discussion. The program was eye-opening and a great initiation into an unexplored but most relevant topic in today's world.

As the topic of copyright awareness is introduced into the academic field, on 25 October, 2022, Mizoram Writers Association organised '*Lehkhabu Pho Runpui*', a Book Fair at Vanapa Hall where a paper on 'copyright Act and the Mizos' is studied. At this program, Mizo Writers Association members and other NGO members, including students and teachers and representative from Mizoram Science & Technology Department were present. It is a great development that the Mizo Writers Association has started to realise the importance of copyright. The paper studied at the mentioned Book Fest is potentially the first seminar dedicated to the study of Copyright in Mizo history.

In 2010, a distinguished cell 'Patent Information Centre' was initiated to navigate the Copyright Act. Even the Copyright registration is made possible as of today. It is a great leap forward that the government has recognised the public need for such registration and took the initiative. However, we as a community are at the beginning stages and are still proceeding cautiously. A separate Department to deal with Intellectual Property has still not been instigated, and is simply run as a cell under the Mizoram Science & Technology. The progress is slow and it is the duty of responsible citizens to assist the government in the matter. This is a crucial topic and will be dealt with more elaborately in another chapter.

CHAPTER – 5

COPYRIGHT ADMINISTRATION IN MIZORAM

The previous chapter covered an evolution of copyright awareness in the Mizo community through various methodologies like interview and questionnaire. It also illustrates a glimpse of the ignorance of copyright law even among stakeholders. Through the study, it can be seen that copyright infringement is deeply rooted in the Mizo community.

The present chapter delve with the administrative protection of copyright law in Mizoram. It is a deliberate study of how far the state of Mizoram has taken steps to foster intellectual property as well as the copyright law in the state. It also examined government's initiative in the implementation of directions laid down under the Copyright Act, 1957. The main objective of this study is to find out the issue and challenges of copyright law in the state.

The study is based on both empirical and non-empirical type of research. The data has been gathered through personal interviews consisting of structured and unstructured. The method of purposive sampling technique has been applied to find out and document the extent of copyright administration in Mizoram. In order to obtain the results, it was interacted with 30 people, who are involved and concerned in the field Copyright administration which included functionaries from Department of Science & Technology, Government of Mizoram; Cyber Crime Police Station, Aizawl; Law & Judicial Department, Government of Mizoram and Law Court working under the Guwahati High Court, Aizawl Bench, Mizoram.

The secondary source of information has been collected from various committee reports and survey reports of the statutory and non-statutory bodies in India as well as Mizoram. It also covered the analysis of legal databases, Books, Journals, Articles, Newspapers, Magazines, Statutes, the Constitution, and Government Notifications, various Committee reports on Copyright laws, online databases and policies of the government.

Political Development of Mizoram

The legislative history of Mizoram was comprehensively traced by Justice Amitabh Roy in the case of *L. Biakchhunga v. State of Mizoram*.⁸⁷ Historical records suggest that the Mizo people began inhabiting the erstwhile, present Mizoram (Lushai Hills) on 18th century. On 6th September, 1895, the British government formally incorporated the region into British India.

To improve conditions for Indians, the British government passed the "Government of India Act, 1919," also known as the "Montague-Chelmsford Reforms," in 1919. The Governor General in Council was empowered to designate any area in British India as a "Backward Tract" under Section 52-A of the "Government of India Act, 1919." Consequently, on January 3, 1921, the Lushai Hills District was designated as a Backward Tract. The Assam Legislature had the power to enact legislation in these areas, but they weren't put into effect until the Governor-General approved any required extensions or modifications.

In the Government of India Act, 1935, the Lushai Hills along with the other Hills districts of Assam was declared as "Excluded Area"⁸⁸. This kept these hills out of Jurisdiction of Assam Elected Ministry.

It is pertinent to mention that at the juncture of the end of first world war, there were under currents and secret political move as to the future of the North Eastern of India hill areas, to constitute a United Hill Areas of Assam into North Eastern Frontier Protectorate, which was to be a 'British Crown Colony'⁸⁹. This idea was propounded by the Lushai Hills Superintendent NE Parry and an Indian Civil Service (ICS) Officer, John Henry Hutton. But, unfortunately North Eastern Province found no place in the Government of India Act, 1935. And according to the Independence

⁸⁷ *L. Biakchhunga v. State of Mizoram*, (2006) 2 Gau LR 610; (2006) 3 Gau. LT 785

⁸⁸ Animesh Ray, *op.cit.*, p.149

⁸⁹ J. Zorema, *op.cit.*, p.124

Act 1947(2)(1), the Lushai Hills was annexed into the new Independent State of India, which led to the termination of British Indirect Rule in the Lushai Hills.

After India's independence, the region was integrated into the Union of India and placed under the province of Assam, governed by a District Council as per Article 242(2) and the Sixth Schedule of the Indian Constitution. In 1970 - 1971 there was a political reorganization of the areas in North Eastern region which was brought about by the North-Eastern Areas (Reorganization) Act, 1971 (Act 81 of 1971). By this Act the Mizoram ceased to be a district of Assam and become a Union Territory.⁹⁰

On the first day of March, 1966, there was an outburst of a great insurgency which was led by the Mizo Nationalist Front (MNF), popularly known as MNF Party demanding full independence from the India. So, from that day onwards, the Indian government declared 'Mizoram' as 'Disturbed Area', and the insurgency persisted.

The MNF Army threw down their weapons and turned themselves in to the Indian government after more than 20 years of fighting. On June 30, 1986, the Indian government and the MNF party (Mizo National Front) signed a treaty of accord known as the "Memorandum of Settlement" (MOS). Mr. Laldenga signed the document on behalf of MNF, and Mr. R.D. Pradhan, the Union Home Secretary, signed it on behalf of the Indian government. The agreement was also signed by Mizoram's Chief Secretary, Mr. Lalkhama. On February 20, 1987, Mr. Rajiv Gandhi, the Indian prime minister at the time, formally announced Mizoram as the 23rd State of India following the signing of the agreement..

Pursuant to the said Settlement, the State of Mizoram Act, 1986 (Act. 34 of 1986) was enacted and the Union Territory of Mizoram attained Statehood. The Act carried out consequential amendments in the heading of the Sixth Schedule as well as in paragraphs 12B, 17 and 20 by substituting 'Union Territory' with the word 'State' wherever Mizoram appeared. Simultaneously, Constitution (53rd Amendment) Act,

⁹⁰Bansaria, BL (2010). *Six Schedule of Indian Constitution*. Universal Law Publishing Company, p.22

1986 was passed and the new article of 371G was added in the Indian Constitution which deals about the administration of the new Mizoram State.⁹¹

Administration of Copyright Law in India

The first copyright laws were passed in 1847, marking the beginning of India's copyright legal history during the British colonial era. The Copyright Act of 1914 came next, and it was in effect until the current Act was passed in 1957. Significantly departing from colonial law, the post-independence laws established an indigenous framework that met India's developmental goals while upholding international standards.

The Act systematically addresses a variety of copyright protection issues in its sixteen chapters and seventy-nine sections. The framework of the Act has undergone significant modifications as a result of revisions in 1983, 1984, 1992, 1994, 1999, and 2012. Every change was made with consideration for contemporary concerns and international obligations, particularly in view of India's ratification of many international agreements and advancements in technology.

The Indian copyright legislation was developed in three phases:⁹²

Early Phase

The first copyright statute was created in 1911 while Britain was still in power. The Berne convention's rules were adhered to. At that time, the government may issue a mandatory license to publish a book, and the copyright period was for the author's lifetime plus seven years after his passing. In 1914, the registration became mandatory as well.

⁹² "History of Copyright Act in India" (<https://aishwaryasandeep.in/history-of-copyright-act-in-india/>) . Accessed on 12.4.2024

Modern Phase

The copyright Act of 1911, generally known as modern copyright legislation, had another amendment in 1914. For the first time, a criminal penalty for copyright infringement was added to the law. The copyright's duration was set at ten years from the date of initial publication. Until the Copyright statute of 1957 took its place, this statute was still in effect.

Phase of 1957

The Act was passed after the nation gained independence from British rule. It was the first time that intellectual property laws had been passed. The first day of operation was January 21, 1958. The principal provisions of the Act were enacted by the Berne Convention of the Protection of Literary and Artistic Work, 1886.

In order to comply with the provisions of international treaties, including the TRIPs Agreement, the Universal Copyright Convention (UCC), and the Berne Convention, as well as the rapid changes in society, this Act has been amended six times thus far.

The Government of India had enacted 9 statutes in respect of Intellectual Property Rights which is as follow – “(i) Patents Act, 1970 (ii) Trade Marks Act, 1999 (iii) Designs Act, 2000 (iv) Geographical Indications of Goods (Registration and Protection) Act, 1999 (v) The Copyright Act, 1957 (vi) Protection of Plant Varieties and Farmers’ Rights Act, 2001 (vii) Semiconductor Integrated Circuits Layout-Design Act, 2000 and (viii) Biological Diversity Act, 2002”.

The Statutes relating the Design, Trade Marks, Patent and Geographical Indication were administered by ‘The Controller General of Patents, Designs and Trade Marks (CGPDTM)’ under the Department of Industrial Policy and Promotion, Ministry of Commerce & Industry. The Office of CGPDTM is also in-charge of the Rajiv Gandhi National Institute of Intellectual Property Management at Nagpur.

Meanwhile, Copyrights are administered by the Ministry of Human Resource Development.⁹³ The Registrar of Copyrights administered and act under the superintendence and directions of the Central Government. In pursuant of the mandatory requirement as per section 9 of the Copyright Act, 1957, the Copyright Office has been established since 1998.

It is notable to point out that there are no special courts for copyright cases. The Copyright Board is entrusted to adjudicate the matter pertaining to Copyright⁹⁴. However, the Central Government has set up a Copyright Enforcement Advisory Council (CEAC), but it also works under the guidance and instruction of the Copyright Board.

Administrative Protection of Copyright Law in Mizoram

It has been 35 years since Mizoram became a state. There hasn't been a Mizoram-specific amendment to the "Copyright Act, 1957" during this time. For the time being, this law has been standardized. In terms of intellectual property, the Mizo society is well behind the times.

There is no separate department appointed to work on the Copyright related issues, and operates as a Cell under the Directorate of Science & Technology, Government of Mizoram, under "Patent Information Centre". The Science & Technology Department was established in 1986 under 'Planning & Programme Implementation Department, Government of Mizoram'⁹⁵ and functioned as a separate Department through Cabinet Meeting in 2011, August and then became the "Directorate of Science & Technology".

There are two vital branches under the Directorate of Science & Technology. There are, 'Mizoram Council of Science, Technology & Environment' (MCSTE) and

⁹³ <https://copyright.gov.in/Default.aspx>. Accessed on 6.10.2024.

⁹⁴ "A handbook of Copyright law" Website. (<https://copyright.gov.in/Documents/handbook.html>) Accessed on 10.10.2024.

⁹⁵ "Mizoram Science & Technology Department" official website, (<https://mistic.mizoram.gov.in/patent-information-centre/>) Accessed on 23.4.2024

‘Mizoram State Remote Sensing Application Centre’ (MIRSAC). ‘Patent Information Centre’ was allotted under the Mizoram Science & Technology & Innovation Council (MISTIC) and is responsible for any Copyright related issue till date.

The Mizoram Science, Technology & Innovation Council (MISTIC) was established by the state government in 1985 to promote and further the state's technical and scientific initiatives. It is governed by the Planning & Program Implementation Department of the Government of Mizoram's Directorate of Science & Technology. Support for it comes from the State Government and the Department of Science & Technology of the Central Government.

‘Patent Information Centre’ (PIC) was originally instituted in 2010 and was properly functional from 2011.⁹⁶ The important primary objectives of the centre are as follows:

- i) to optimise the use of natural resources
- ii) to sustain and enhance public knowledge and skills
- iii) to lay the foundational work for the development of higher studies
- iv) to produce skilful and advanced resources for the government
- v) to promote Intellectual property rights.

Functions of Patent Information Centre (PIC)⁹⁷

The Mizoram Science Technology & Innovation Council (MISTIC) oversaw the establishment of the Patent Information Centre (PIC) for the state of Mizoram in the fiscal year 2010–2011, whose functions are to engage in

- i) Promoting and supporting the protection of intellectual property rights (IPR) at the state level, including industrial designs, patents, trademarks, copyright, geographical indications, etc.

⁹⁶*Ibid.* Accessed on 11.11.2024.

⁹⁷*Ibid.*

ii) In order to assess the feasibility and evaluation of the idea, they must also assist Central and State Universities, grassroots innovators, and government organizations with patent searches.

iii) Offering continuous technical assistance to academic institutions and government research and development centers in the fields of patent maintenance, prosecution, and filing.

As per record of the Patent Information Centre, Copyright Cell, 10 Copyrights have been registers. Amongst these, there are 5 literary works, 2 Artistic works, 2 Cinematography films and 1 Sound recording⁹⁸.

List of works that have done Copyright registration:

1. Work Title	: Scientist Hmingthangte
Diary No	: 600/2019-CO/L
Class of Work	: Literary
Submitted by	: Dr. R.K. Lallianthanga
Submitted on	: 15.01.2019
Status	: Registered on 15.04.2019
ROC	: L – 81550/2019
2. Work Title	: Van Lam Hun (Space Age)
Diary No.	: 10436/2019-CO/L
Class of Work	:Literary
Submitted by	: Dr. R.K. Lallianthanga
Submitted on	: 05.07.2019
Status	: Registered on 09.08.2019

⁹⁸Patent Information Centre (2020).*Intellectual Property Rights*. Mizoram Science & Technology & Innovation Council, p.20.

ROC No. : L-84573/2019

3. Work Title : Hringnun zawhna - Science atanga Channa

Diary No. : 11754/2019-CO/L

Class of Work : Literary

Submitted by : Dr.Lalnunsiam Colney

Submitted on : 25.07.2019

Status : Registered on 13.09.2019

ROC No. : L-85428/2019

4. Work Title : Siar Mengmawi

Diary No. : 10444/2020-CO/SR

Class of Work : Sound Recording

Submitted by : Joel Lalbiakkima

Submitted on : 29.07.2020

Status : Registered on 08.03.2021

ROC No. : SR-15709/2021

5. Work Title : Hnehna Ropui

Diary No. : 11754/2019-CO/L

Class of Work : Literary

Submitted by : Dr.Lalnunsiam Colney

Submitted on : 25.07.2019

Status : Registered on 13.09.2019

ROC No. : L-85428/2019

6) Work Title : Aizawl FC Logo Diary No. 1838/2021-CO/A
Class of Work : Artistic
Submitted by : Aizawl Football Club
Submitted on : 05.08.2021
Status : Re-Scrutiny
ROC No. :

7) Work Title : Dengi I Love You
Diary No. : 21228/2021-CO/CF
Class of Work : Cinematograph Film
Submitted by : B. Lalbiakvela
Submitted on : 03.09.2021
Status : Registered on 05.06.2023
ROC No. : CF-5286/2023

8) Work Title : Lallianmawia Pachuau
Diary No. : 24818/2021-CO/L
Class of Work : Literary
Submitted by : Eddy Zosangliana Colney
Submitted on : 13.10.2021
Status : Registered on 04.01.2022
ROC No. : L-110150/2022

9) Work Title : Traditional Chibi
Diary No. : 4430/2022-CO/A

Class of Work : Artistic
Submitted by : Grace Ch. Ralte
Submitted on : 01.03.2022
Status : Registered on 08.02.2023
ROC No. : A-144070/2023

10) Work Title : Dear Kim
Diary No. : 14909/2023-CO/L
Class of Work : Literary
Submitted by : Jonathan Thangtea
Submitted on : 05.06.2023
Status : Work awaited
ROC No. :

Overview and Analysis of Copyright Registrations

The following table presents details of copyright registrations facilitated through the Patent Information Centre:

Table - 2

Work Title	Class of Work	Submitted on	Registration Status	Processing Time (days)
Scientist Hmingthangte	Literary	15.01.2019	Registered 15.04.2019	90
Van Lam Hun (Space Age)	Literary	05.07.2019	Registered 09.08.2019	35
Hringnunuzawhn a - Science atangaChanna	Literary	25.07.2019	Registered 13.09.2019	50
HnehnaRopui	Literary	25.07.2019	Registered 13.09.2019	50
SiarMengmawi	Sound Recording	29.07.2020	Registered 08.03.2021	222
Aizawl FC Logo	Artistic	05.08.2021	Re-Scrutiny	-
Dengi I Love You	Cinematograph Film	03.09.2021	Registered 05.06.2023	640
LallianmawiaPa chau	Literary	13.10.2021	Registered 04.01.2022	83
Traditional Chibi	Artistic	01.03.2022	Registered 08.02.2023	344
Dear Kim	Literary	05.06.2023	Work awaited	-

Source:Field Survey at Patent Information Centre, Mizoram Science & Technology & Innovation Council.

Distribution by Class of Work

The distribution of copyright registrations by class of work is presented below:

Table - 3

Class of Work	Number of Registrations	Percentage
Literary	6	60%
Artistic	2	20%
Sound Recording	1	10%
Cinematograph Film	1	10%
Total	10	100%

Source:*Field Survey at Patent Information Centre, Mizoram Science & Technology & Innovation Council.*

Literary works constitute the majority (60%) of copyright registrations, reflecting the strong emphasis on literary production in Mizoram. This aligns with the centre's focus on literary copyright awareness, as evidenced by the webinar on "Copyright in Mizo Literature" conducted in October 2021.

Temporal Trends in Registration

The following table shows the progression of copyright registrations by year:

Table - 4

Year	Number of Submissions	Number Registered	Percentage
2019	4	4	40%
2020	1	1	10%
2021	3	3	30%
2022	1	1	10%
2023	1	0	10%
Total	10	9	100%

Source:*Field Survey at Patent Information Centre, Mizoram Science & Technology & Innovation Council.*

The highest number of submissions occurred in 2019 (40%), coinciding with the centre's most active year in terms of awareness programs. There was a decline in 2020 (10%), likely due to the pandemic, followed by a resurgence in 2021 (30%). The data suggests a correlation between awareness activities and registration applications.

Registration Processing Time Analysis

The time between submission and registration varies significantly across different works:

Table - 5

Processing Time	Number of Works	Percentage
1-3 months	4	50%
3-6 months	0	0%
6-12 months	2	25%
12 months	2	25%
Total Registered	8	100%

Source:Field Survey at Patent Information Centre, Mizoram Science & Technology & Innovation Council.

The processing time analysis reveals that 50% of registered works were processed within three months, suggesting an efficient registration process for half the applications. However, 25% of works took more than a year to be registered, with "Dengi I Love You" taking the longest at 640 days. This variation indicates potential complexities in the registration process for certain types of works, particularly for non-literary categories like cinematograph films.

Procedure for Application⁹⁹

Copyrights may be applied by any of the following – poets, authors, artists, and craftsmen of any original work. This is also extended to publishers and companies that are affiliated with the original composer and in some cases, any persons who are given consent to apply by the original composer. In such petitions of copyright, the application form must be completely filled up along with the application fee which must be paid upfront either with a postal order or a demand draft addressed to the Registrar of Copyrights, New Delhi.

In cases where the work has been published by the employers of the applicants or the publishers in cases of written literature, then the applicant is compelled to acquire and attach a No Objection Certificate from the publishers that clearly states that the applicant is given license to pursue copyright in his/her name. Copyrights that are applied in the names of groups, companies, or brands are required to provide a comprehensively detailed bio-data of the original artist/author; the name of the group/firm cannot be listed as ‘creator’. Copyrighting more than one work, for example, two songs cannot be done in a single application and must be applied separately.

For prose and poetry, if the work is not yet published, two copies must be attached to the application; for published work, a single copy would suffice. However, for any work involving craftsmanship that is put up for consideration, two copies must be attached regardless of whether it has been published or not.

The application must be submitted to the Copyright Office where it will be assigned a Diary Number. For a period of one month, any potential dispute and problem pertaining to the copyright will be investigated; barring no difficulties on such fronts, an examiner will conduct a thorough evaluation after which the copyright will be granted if no problem is found.

If within the month of the application the originality or ownership of the work is contested by another entity, then both the applicant and the contestant would each

⁹⁹*Ibid.*, Accessed on 20.10.2024

via a letter send their responses and justifications which would be evaluated by the Registrar. If the Registrar decides in favour of the contestant, the application process will resume as per the normal proceeding.

If the evaluator, after meticulous investigation does not accept and find problems with the application, then the applicant would be given a letter highlighting the problems after which any responses would be considered by the Registrar. If the Registrar does not accept the response letter, the application is considered rejected; however, if the Registrar accepts the response, the application procedure is considered successful and the applicant is now in possession of the copyright.

Copyright Application Fee¹⁰⁰

Copyright is classified into different classes and the application fees differ across the classes. Furthermore, the government may change the application fees as deemed necessary. The current application fees in operation are as follows:¹⁰¹

1. Action (Copyright Application) : Concerning Prose, Poetry, and Craftsmanship
Application Fee (One apiece) : Rs.500/-
2. Action (Copyright Application) : Concerning Prose, Poetry, and Craftsmanship, appeal for change in items that have been submitted to the Registrar of Copyright
Application Fee (One apiece) : Rs.200/-
3. Action (Copyright Application) : Concerning Prose, Poetry, and Craftsmanship, in relation to production, commerce, and service that can be and are in operation.
Application Fee (One apiece) : Rs.2000/-

¹⁰⁰*Ibid.*

¹⁰¹*ibid.*

4. Action (Copyright Application) : Concerning Prose, Poetry, and Craftsmanship, in relation to production, commerce, and service that can be and are in operation, appeal for change in items which was submitted to the Registrar of Copyright.
Application Fee (One apiece) : Rs.1000/-
5. Action (Copyright Application) : Concerning Films and its accessories
Application Fee (One apiece) : Rs.5000/-
6. Action (Copyright Application) : Concerning Films and their accessories, appeal for change in items that have been submitted to the Registrar of Copyright.
Application Fee (One apiece) : Rs.2000/-
7. Action (Copyright Application) : Concerning Sound Recording and its accessories.
Application Fee (One apiece) : Rs.2000/-
8. Action (Copyright Application) : Concerning Sound Recording and its accessories, appeal for change in items that already had submitted to the Registrar of Copyright.
Application Fee (One apiece) : Rs. 1000

Analysis of Patent Information Centre (PIC) Activities in Mizoram

This comprehensive analysis examines the activities of the Patent Information Centre in Mizoram. The data reveals significant efforts in IPR awareness creation, capacity building, and the growing culture of intellectual property protection in the region.

The Patent Information Centre in Mizoram has conducted numerous activities since its inauguration. The following table presents a chronological overview of these activities:

Table - 6

Date	Activity	Venue/Organizer
13 March, 2019	Presentation on GI status of MizoPuan	Mizoram Govt Committee
14 March, 2019	IPR awareness program	Mizoram Science Centre
6 June, 2019	IPR awareness program (300+ students)	GovtLunglei College
30 August, 2019	IPR awareness program	Conference Hall, Economic & Statistic Dept.
11 September, 2019	Lecture on IP and Entrepreneurship	Cluster Building, MZU
23 September, 2019	Lecture on IPR	Dept. of Botany, PUC
7 October, 2019	Seminar (Mizo Writers Association &Mizo Academy of Letters)	Science & Technology Directorate

16 Oct 2019	Introductory lecture on IPR	Zirtiri Residential Science College
17 October, 2019	Seminar on Copyright vs Plagiarism	Zirtiri Residential Science College
22 November, 2019	Seminar on IPR	NIELIT Conference Hall
4 February, 2020	Seminar on importance of IPR	GovtAizawl West College
26 February, 2020	Seminar on IPR	Academic Conference Hall, MZU
7 April, 2021	Seminar on GI and Copyright	MISTIC
26 April, 2021	World IP Day observance	Patent Information Centre
25 June, 2021	Webinar on relevance of IPR	Online (IPR field experts)
28 July, 2021	Street Campaign on IPR awareness	MISTIC

28 Sep 2021	Seminar on GI registration & Copyright	Patent Information Centre
1 October, 2021	Webinar on Copyright in Mizo Literature	Online (YouTube)
27 October, 2021	Webinar on IPR	Patent Information Centre
30 October, 2021	Seminar on IPR with NGOs	Science & Technology Hall
21-25 February, 2022	Workshop on skill development in IPR	Patent Information Centre
10 March, 2022	TV program on IPR	Television
17 March, 2022	Societal study of IPR history	Patent Information Centre
27 April, 2022	National Workshop on IPR	Deans' Seminar Hall, Mizoram University

Source:Field Survey at Patent Information Centre, Mizoram Science & Technology & Innovation Council.

Temporal Distribution of Activities

The Patent Information Centre's activities show distinct patterns across the years. The following table presents the frequency of activities by year:

Table - 7

Year	Number of Activities	Percentage
2019	10	41.7%
2020	2	8.3%
2021	8	33.3%
2022	4	16.7%
Total	24	100%

Source: *Field Survey at Patent Information Centre, Mizoram Science & Technology & Innovation Council.*

The centre was most active in 2019 (its inaugural year) with 10 activities, accounting for 41.7% of all events. There was a noticeable decline in 2020, likely due to the COVID-19 pandemic restrictions, with only 2 activities (8.3%). Activities resurged in 2021 with 8 events (33.3%), showing adaptation to the pandemic through online modes like webinars. The year 2022 saw 4 activities (16.7%), including more specialized workshops and a national-level event.

Activity Types and Target Audiences

The activities conducted by the Patent Information Centre can be categorized as follows:

Table - 8

Activity Type	Frequency	Percentage
Seminars/Workshops	12	50.0%
Awareness Programs	4	16.7%
Lectures	3	12.5%
Webinars	3	12.5%
Media/Campaigns	2	8.3%
Total	24	100%

Source:Field Survey at Patent Information Centre, Mizoram Science & Technology & Innovation Council.

Seminars and workshops constitute half of all activities, indicating a focus on in-depth knowledge transfer. Awareness programs (16.7%) targeted broader audiences, including students, with one event reaching over 300 students at Government Lunglei College. The centre also utilized digital media with webinars (12.5%) and mass media through television programs and street campaigns (8.3%).

Correlation Between Awareness Activities and Registrations

There appears to be a positive correlation between IPR awareness activities and copyright registration submissions. Years with more awareness programs (2019 and 2021) saw higher numbers of copyright registration applications. This suggests that the centre's outreach efforts may be effectively stimulating interest in copyright protection.

Diversification of Protected Works

While literary works dominate the copyright registrations (60%), there is a gradual diversification into other forms of intellectual property, including artistic works, sound recordings, and cinematograph films. This trend indicates an expanding understanding of IPR beyond traditional literary works in Mizoram.

Processing Efficiency Variations

The significant variation in processing times (from 35 days to 640 days) suggests inconsistencies in the registration system or complexities associated with certain types of works. The cinematograph film registration took the longest (640 days), while literary works generally received faster processing (average of 61.6 days excluding outliers).

Recommendations for Future Development

Based on the analysis of the Patent Information Centre's activities and copyright registration patterns, several recommendations emerge for enhancing IPR protection in Mizoram:

1. **Targeted Awareness Programs:** Continue and expand awareness programs, particularly targeting underrepresented creative sectors to encourage diversification of copyright registrations.
2. **Digital Transformation:** Leverage digital platforms more extensively for outreach and education, building on the successful transition to webinars and online content during the pandemic period.

3. **Process Standardization:** Work toward standardizing the registration process to reduce the significant variations in processing times, particularly for non-literary works.
4. **Capacity Building:** Develop specialized expertise for different classes of copyright works to provide tailored guidance and support.
5. **Strategic Partnerships:** Formalize partnerships with educational institutions, creative industries, and NGOs to create a more robust IPR ecosystem in the region.

The Patent Information Centre in Mizoram has made significant strides in promoting IPR awareness and facilitating copyright registrations since its inception in 2019. Despite challenges, particularly during the pandemic, the centre has demonstrated adaptability by transitioning to digital platforms and diversifying its outreach methods. The growing number and diversity of copyright registrations suggest an increasing awareness and appreciation of intellectual property protection in the region. By addressing the identified challenges and implementing the recommended strategies, the centre can further strengthen Mizoram's intellectual property landscape and contribute to the region's creative and innovative development.

Seeing the rapid progress of human intelligence and the growth of the IT sector, political leaders have had the foresight to detect the inevitability of Intellectual Property, as well as with law and its growing relevance in public life and as such, on 26th May 2010 (Wed) at Secretariat Conference Hall, Aizawl under the supervision of the Mizoram State Law Commission, convened with the Law &

Judicial Department to discuss matters pertaining to Copyright Laws.¹⁰² However, the state administration has not taken any meaningful action till today. The resolution of that meeting is as below:

1. The Home Department being a Nodal Department shall take steps to create a Cell to 'enlist original works' which shall be very useful as a mechanism to reduce and solve the present problem relating to registration and enforcement of intellectual property rights.
2. Copyright Cell in the Police Headquarters to be reactivated and equipped with adequate staff to effectively combat the menace that has been a serious concern of the victim, society, and the government.
3. The Commission shall hold workshops on the subject concerning all the stakeholders.
4. The Law and Judicial Department shall prepare a statement on how to check the menace and discourage the ill practices and to book those who are guilty of the offence by listing out all relevant laws.

Patent Information Centre, as the Guardian and Preserver of Intellectual Property, prioritises striving in protecting and uplifting innovators. As such, taking action and punishing those in violation of Copyright laws is not within its jurisdiction. However, copyright violators can be taken to court through the Enforcement Agencies. The Cyber Crime Police Station (CID) under the Mizoram Police Department has been established to provide penalties of copyright violators within the legal paradigm so that the rights of the copyright owners may be preserved.

The establishment of the Cyber Crime Police Station (CID) comes only as recently as 27th November, 2020¹⁰³ and copyright violation for the Mizo society is

¹⁰²The State Government once had a meeting to discuss matters pertaining to Copyright Laws. However, no further step had been taken so far for implementation of the resolution. (Zahmingthanga, personal communication, May 4, 2023).

new in both concept and practice and as such, crimes related to Intellectual Property that are registered and investigated are quite few at the present. Therefore, the Cyber Crime Police Station is not treated as a separate department and receives very poor funding and is given incomplete authority as of the moment and merely exists as a single cell in the Home Department under the supervision of the Police Department.

At the same time, the employees under CID are not necessarily experts in Intellectual Property and Copyright-related matters and for the time being, active Police are simply being diverted to the cell. This should serve as a testament that it is imperative for everyone to reinforce matters related to Intellectual Property and Copyright.

Cases of Copyright Infringement in Mizoram

As of the moment, only three cases of copyright infringement have been filed since the inception of the said enforcement agency. Two of these cases have already been rectified while the other case is currently under police investigation. The two cases that have been settled are:

1. State of Mizoram vs. Lalremsiama¹⁰⁴

In this case, the Complainant party claims that the film ‘Ka U Liana’ is produced by the Company ‘Runmawi’. The estimated cost of the production of this film amounts to at least 10 Lakh Rupees which the company attempted to earn back by uploading the film ‘Ka U Liana’ to their application ‘Runmawi’ so that viewers could have the option to purchase and watch the film. Although the capital of the production was almost generated within a week, the accused Lalremsiama is charged with making a duplicate copy without the consent and permission of the producers.

This duplicate copy quickly spread across different social media platforms and it soon came to notice that it was being circulated even in Telegram. As

¹⁰³“Mizoram Police, Government of Mizoram” Official Website, (<https://police.mizoram.gov.in/inauguration-of-cyber-crime-police-station/>) Accessed on 23.2.2024.

¹⁰⁴ Criminal Trial No. 1444 of 2022 , Aizawl Judicial District, Aizawl, Mizoram

such the investment and hard work of the producers in the production of the film 'Ka U Liana' is reaped by the guilt party. What the duplicate production of 'Ka U Liana' entails is that people were no longer willing to pay for the movie in the application 'Runmawi'. As a consequence, the complainant not only does not make any profit but also utterly fails to earn back the production cost of the film 'Ka U Liana'. The complainant then files a complaint as the producer to the cyber cell to get justice as per his rights.

Judicial Magistrate First Class, Aizawl Judicial District, Aizawl Court took this case into serious consideration. The accused Lalremsiama is made to understand that a case has been filed against him under Section 72 of the IT Act, 2000 and Section 63 of the Copyright Act, 1957 and that the testimony with the witnesses will be taken, and that relevant evidence will be taken into account. If they were found guilty, the accused was also told that he would be liable to be penalised in accordance with the mentioned Acts. Furthermore, if the accusations are false and the accused wished to contest them, he was made aware of his rights to hire a Defence Counsel (Advocate) to speak on his behalf and if he does not have the finances to hire a lawyer, one may be provided free of charge from the 'Mizoram State Legal Services Authority'.

However, the accused Lalremsiama confessed before the court that the accusations made against him were true and that he was indeed guilty therefore the court granted him a merciful sentence. As such, the trial Court sentenced the accused Lalremsiama to be incarcerated for a period of three days and to pay a fine of Rs. 10000/-. The case has been considered settled since.

2. State of Mizoram vs. Samuel Lalpekhlua¹⁰⁵

In this case, the Complainant Lalramchhana claims that the YouTube channel "No Mercy" uploaded the song "Kangaiche" by "Kimkima featuring G'nie," which is available for purchase and streaming on the "Darbu"

¹⁰⁵ Criminal Trial No. 180 of 2023, Aizawl Judicial District, Aizawl, Mizoram.

application without his permission. As a consequence of 'No Mercy' illegally uploading his song that is currently up for sale, the complainant suffers a significant financial loss which even negatively affects his state of employment. So as to legally reclaim justice as his rights, he filed a case to the Cyber Cell to uncover the administrator of the YouTube channel 'No Mercy'.

The special enforcement agency took this case into serious consideration and after conducting a thorough investigation to find the guilt party, they discovered that the YouTube Channel 'No Mercy' is under the administration of Samuel Lalpekhluia and filed a case against him as the law requires. To give the accused Samuel Lalpekhluia his due punishment as the law requires and to grant justice to the complainant Lalramchhana, the Cyber Cell submitted a charge sheet to the Chief Judicial Magistrate, Aizawl Judicial District, Aizawl, and then transferred the case for consideration to the Judicial Magistrate First Class, Aizawl Judicial District, and Aizawl Court. The Court subsequently began to look into the matter.

The trial Court then took this case into serious consideration. The accused Samuel Lalpekhluia was made to understand that a case had been filed against him under Section 72 of the IT Act, 2000 and Section 63 of the Copyright Act, 1957 and that the testimony with the witnesses will be taken and that relevant evidence will be taken into account. If they were found guilty, the accused was also told that he would be liable to the penalty provision in accordance with the mentioned Acts. Furthermore, if the accusations are false and the accused wishes to contest them, he was made aware of his rights to hire a Defence Counsel (Advocate) to speak on his behalf and if he does not have the finances to hire a lawyer, one may be provided free of charge from the 'Mizoram State Legal Services Authority'.

However, the accused Samuel Lalpekhluia pleaded guilty before the court and therefore the court granted him a merciful sentence. As such, the trial Court sentences the accused Samuel Lalpekhluia to be incarcerated for a period of

twelve days and to pay a fine of Rs 4000/-. The case has been considered settled since.

As of now, the two cases mentioned above are the only cases that have been registered and settled related to copyright infringement. Apart from these, there potentially could be plenty of other copyright violation instances. However, since these matters silently dissipate before reaching the Cyber Crime Police Station, CID (Crime) or the court, other than the two mentioned cases, there are no other cases on display related to copyright infringement.

The two cases above have no bearing on any literary work violation of any sort and are both related to artistic and musical work violations. As per the present records, so far there have been no instances to be seen or heard of literary work violation in the Cyber Crime Police Station, CID (Crime) or the Law Court, be it a Civil Case or a Criminal Case.

It is hard to determine if the absence of such a case is due to public mutual respect of each other's' copyrighted works, or simply because of public ignorance and negligence towards matters of copyright, therefore it cannot be known for sure if one can be happy about this. Without the paradigm of social media, there seems to be a plethora of minor and mediocre conflicts. Yet these matters rarely reach the court, therefore perhaps this explains the rarity of copyright case registrations. As stated earlier, most cases tend to lean towards defamation rather than copyright infringement. These conflicts therefore cannot be technically classified as copyright cases.

Since such are the circumstances, it appears that it may be difficult for the authorities to strengthen and reinforce the concerned department to address copyright infringement. The Cyber Cell at this moment seems content to attach itself to the Police Department without much issue. It is quite foreseeable that with the growth and progress of humanity, the public will soon be accustomed to the concept of copyright. Therefore, strengthening of the special enforcement agency by the government and authorities is imminent.

The Cyber Crime Police Station, CID (Crime) on occasion has attempted to make the public aware of Copyright and to safeguard against possible violation through various print media to spread copyright education. They have also conducted several awareness campaigns in colleges, schools and before the Non-Governmental Organizations (NGO). However, as stated earlier, since the workers in charge of cyber-crimes are not necessarily experts in copyright laws, there is room for much improvement. This should clearly demonstrate the necessity of how copyright should be given new priority by the government.

This vulnerability is exacerbated by rapid digitalization. For instance, while specific data for Mizoram is scarce, national reports indicate a thriving digital content economy alongside significant piracy challenges. The Indian Media and Entertainment Industry Report 2023 (IMEI) notes that digital media is the fastest-growing segment, yet it remains highly susceptible to infringement. Furthermore, Telecom Regulatory Authority of India (TRAI) data shows wireless subscriber density in the North-East, including Mizoram, has grown consistently, increasing the potential audience and risk for digital copyright violations. This national and regional context underscores the urgency of addressing the enforcement and awareness gaps identified within Mizoram.

CHAPTER - 6

RESULTS & DISCUSSIONS

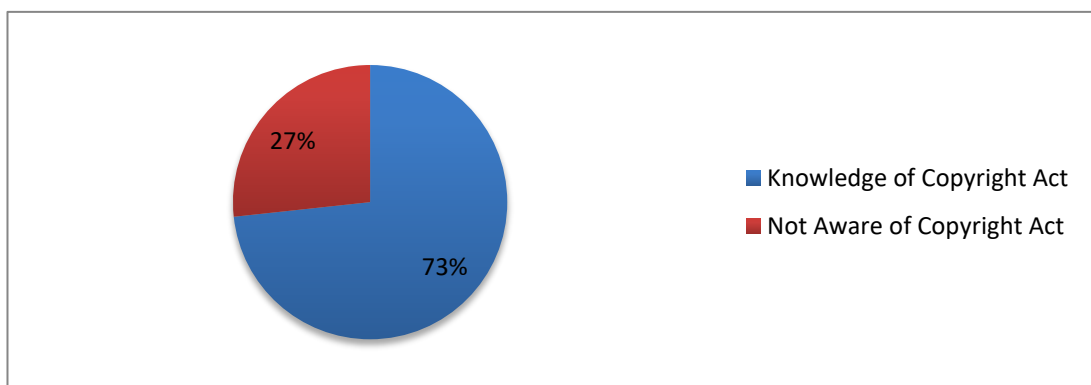
The previous chapter is an in-depth study of copyright development in the state of Mizoram. It evaluates the steps taken by the government for the effective implementation of copyright protection in the state. It also closely examined the issue and challenges of copyright law in the Mizo community.

This chapter details the findings from a survey conducted to gauge the extent of copyright infringement, awareness of the Copyright Act, 1957, and related opinions within the Mizo community. Using a purposive sampling technique, 60 individuals with known ties to the community were surveyed. The participants were divided into two groups of 30: Part A comprised artists, singers, songwriters, and authors, while Part B included professionals working in copyright-related fields such as the Science & Technology Department, Cyber Crime Police Station, the Law & Judicial Department, and legal practitioners..

The survey results from Part A reveal several key insights:

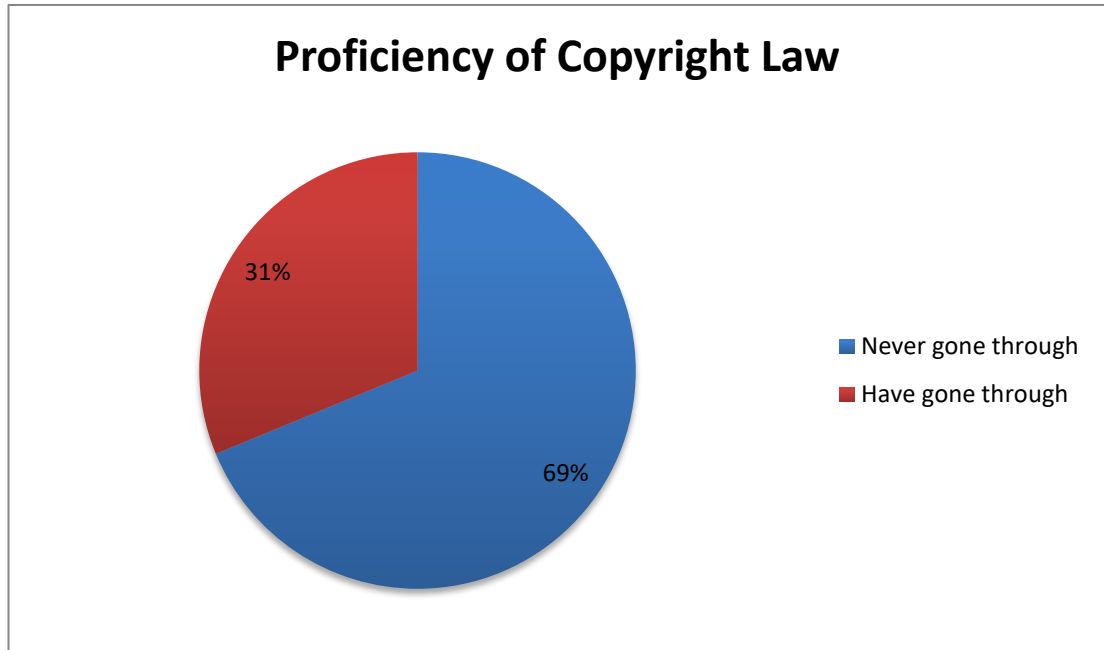
Chart: 1

Awareness of Copyright Act



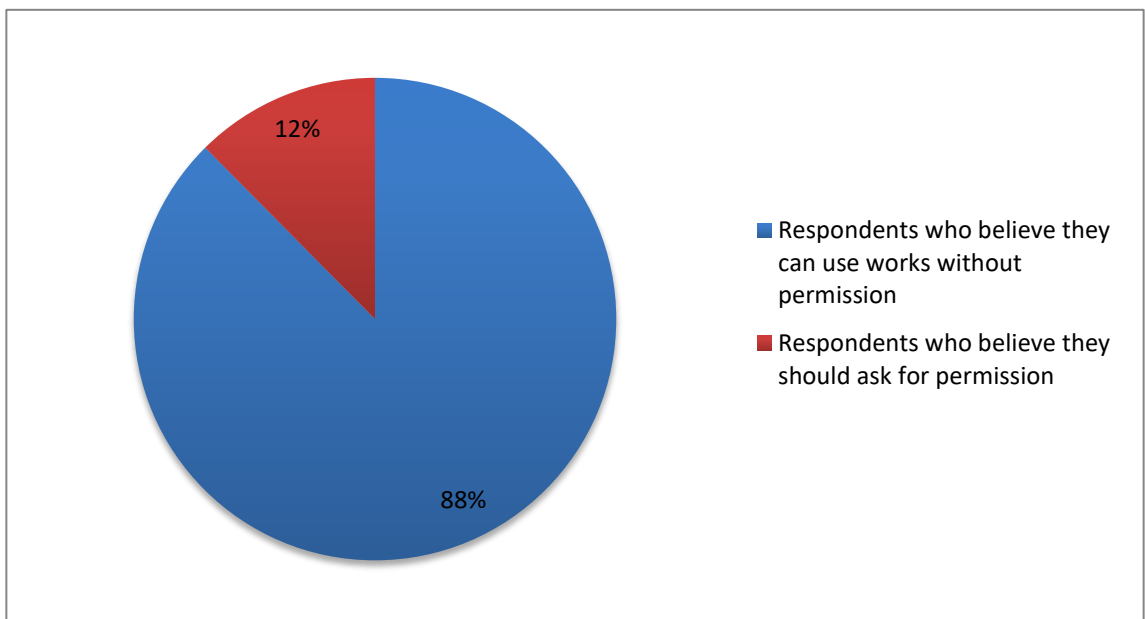
Most Respondents are generally aware of the Copyright Act, but some lack knowledge of copyright law, posing a challenge for the government.

Chart: 2
Proficiency of Copyright Law



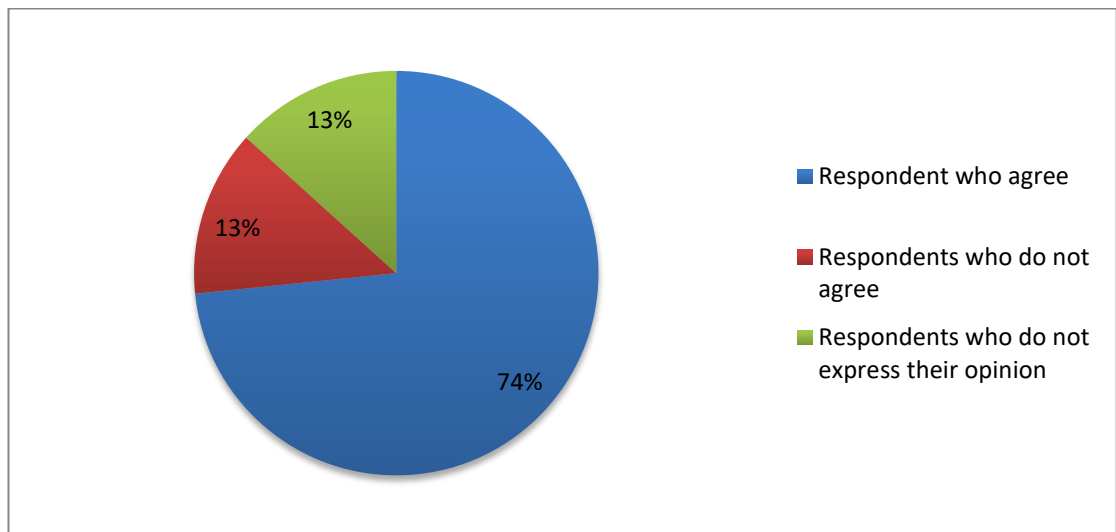
Result indicated that the Mizo community has a limited understanding of copyright law, with a superficial grasp of its intricacies.

Chart: 3
Use of Creative Works Without Permission



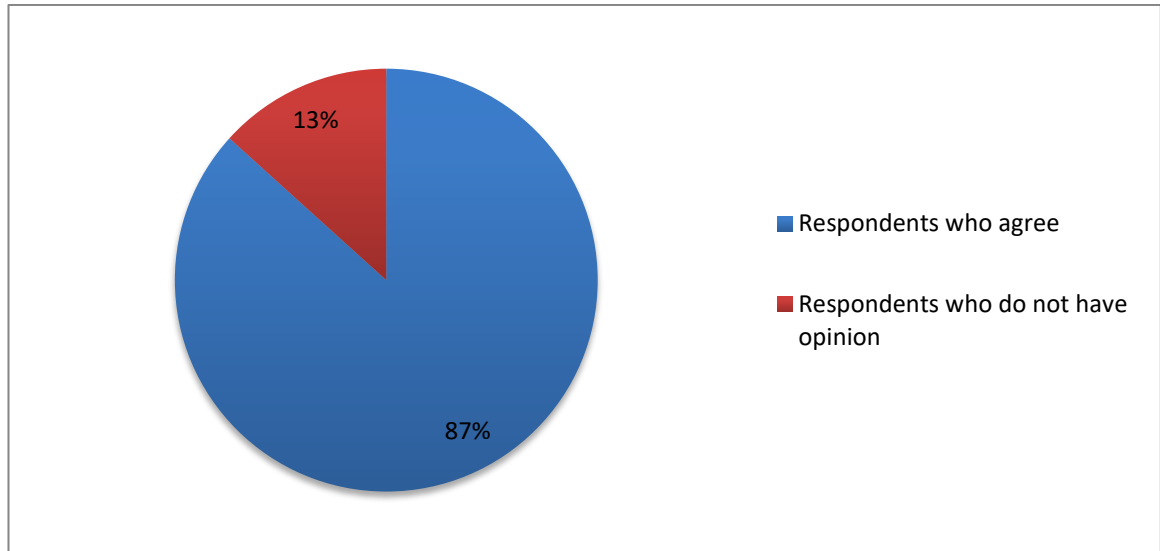
Respondents believe that using creative works without permission for non-financial purposes, such as research, pre-existing songs, and public awareness campaigns, is not morally wrong, indicating a lack of awareness that copyright laws extend to these areas.

Chart: 4
Copyright is infringed in the Mizo Community



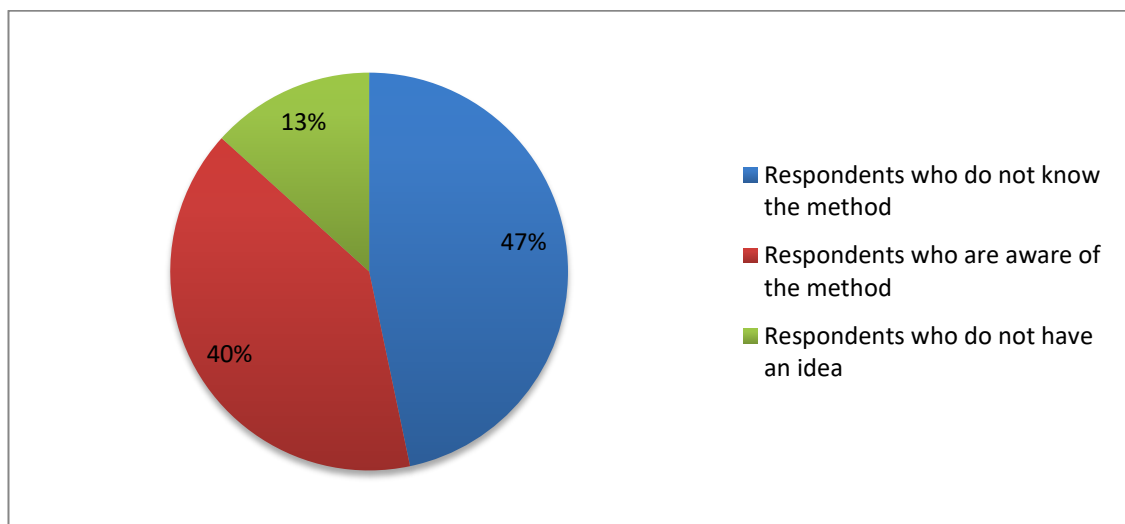
Result indicated that Copyright infringement and the stealing of artistic works are rampant within the Mizo community.

Chart: 5
Infringement affects reputation



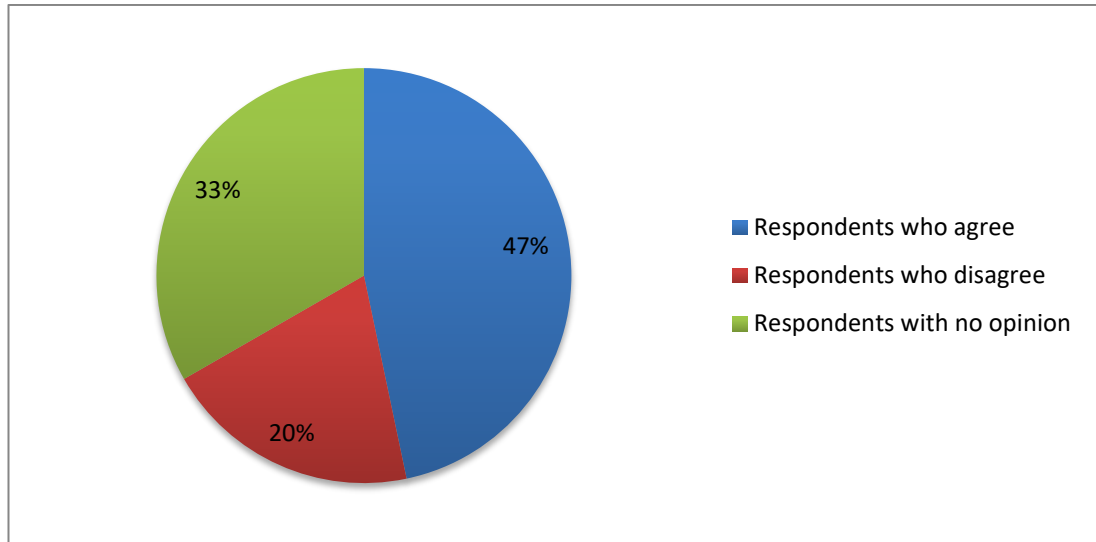
Results opined that the Mizo community should view the stealing of creative work as disgraceful and embarrassing, highlighting the need to strengthen this correlation.

Chart: 6
Method of granting Copyright protection



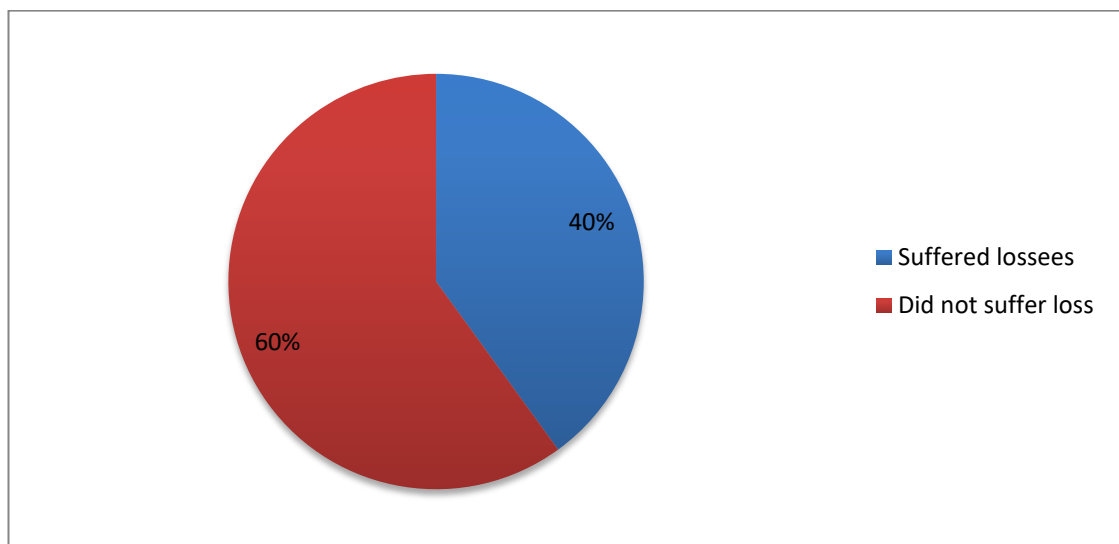
Most people are unaware of how to protect and register their work under the Copyright Act, suggesting that copyright exists as a law in name only, with limited practical utilization beyond defense and threats.

Chart: 7
Difficulty Proving Copyright Infringement



Result indicated that any in the Mizo community are unwilling to broaden their understanding of copyright infringement, viewing it as a difficult issue to address, likely due to the law's lack of solid establishment in the public consciousness.

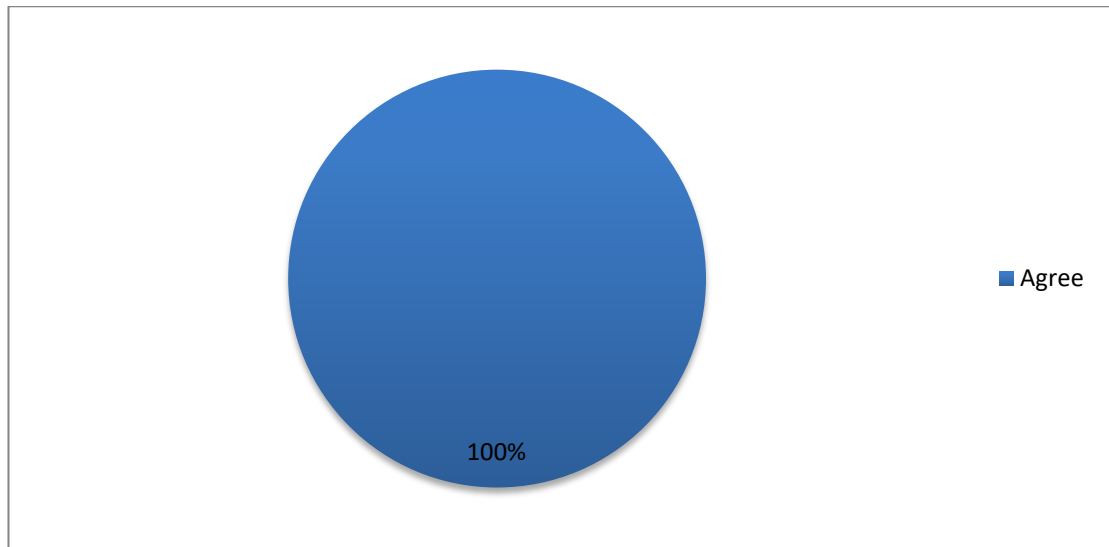
Chart: 8
Economic Losses Due to Infringement



Result indicated that those who have experienced copyright infringement are not necessarily economically affected, possibly because the Mizoram economy is not at a

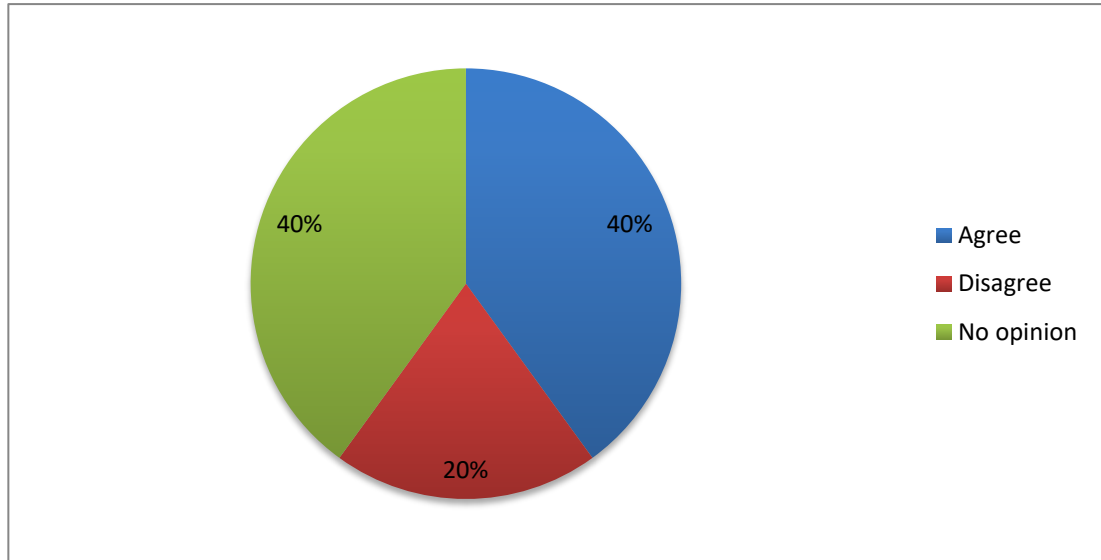
stage where artists can solely support themselves through their creations; however, some individuals do independently supplement their income through artistic endeavors.

Chart: 9
Enforcement of Copyright Law is poor



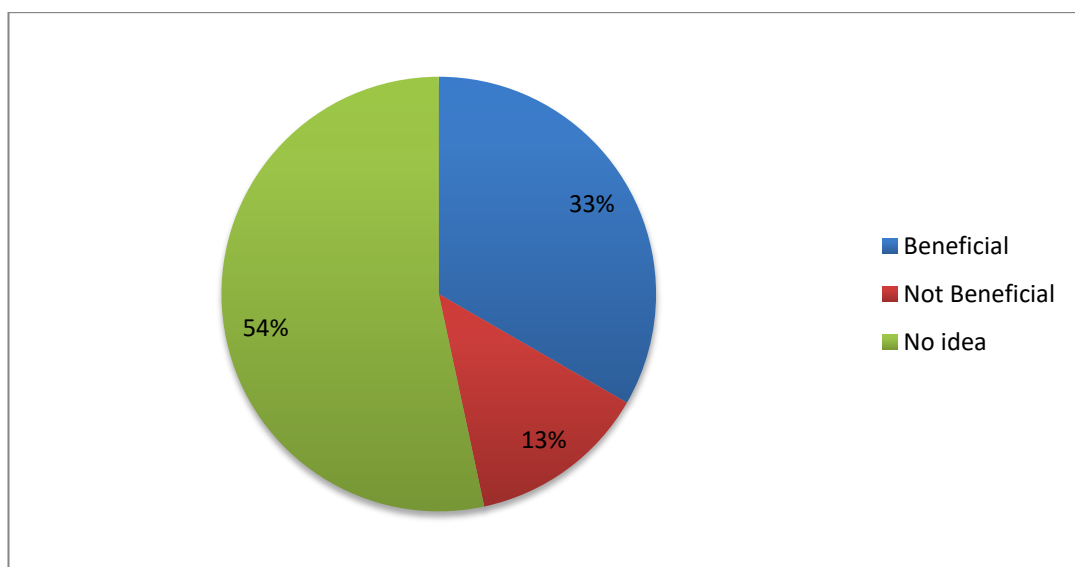
Result revealed that the Mizoram government's underperformance regarding copyright law is a commonly accepted fact, with people demanding greater awareness of the Copyright Act among the local population.

Chart: 10
Adequacy of Remedy



Result indicated that understanding whether the Copyright Act, 1957 provides adequate remedy requires a proper understanding of the act itself, suggesting the need for its proper implementation.

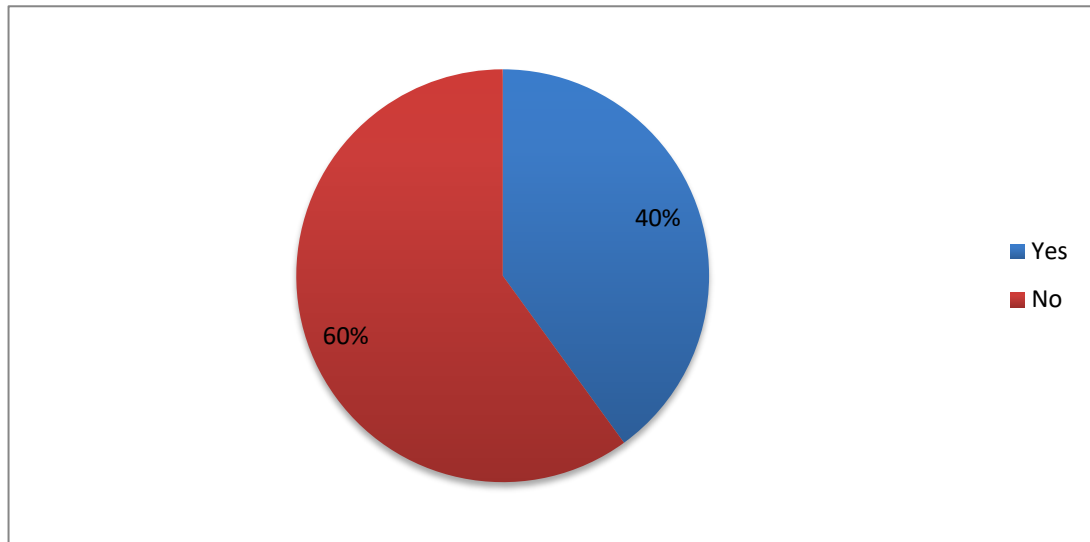
Chart: 11
Benefits of Registration



The majority of people do not understand the benefits or drawbacks of copyright registration, assuming it to be beneficial without knowing the actual consequences.

Chart: 12

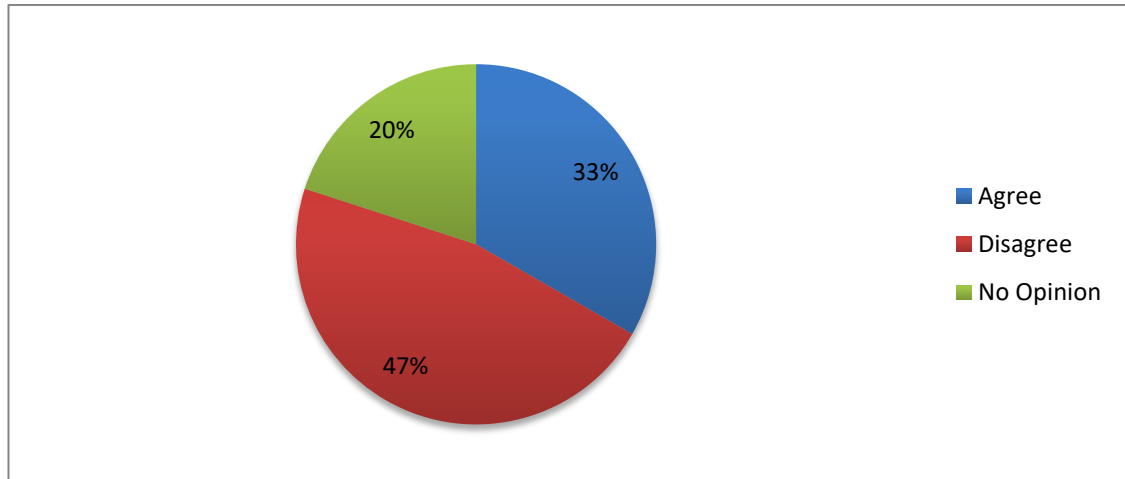
Seen person booked for copyright violation



Result revealed that people are not believed to be prosecuted or punished for copyright violations, contributing to unchecked infringement. The Mizoram Police Cyber Crime Cell can file criminal cases against those uploading copyrighted material to the internet without permission, potentially leading to imprisonment under the Copyright Act 1957.

Chart: 13

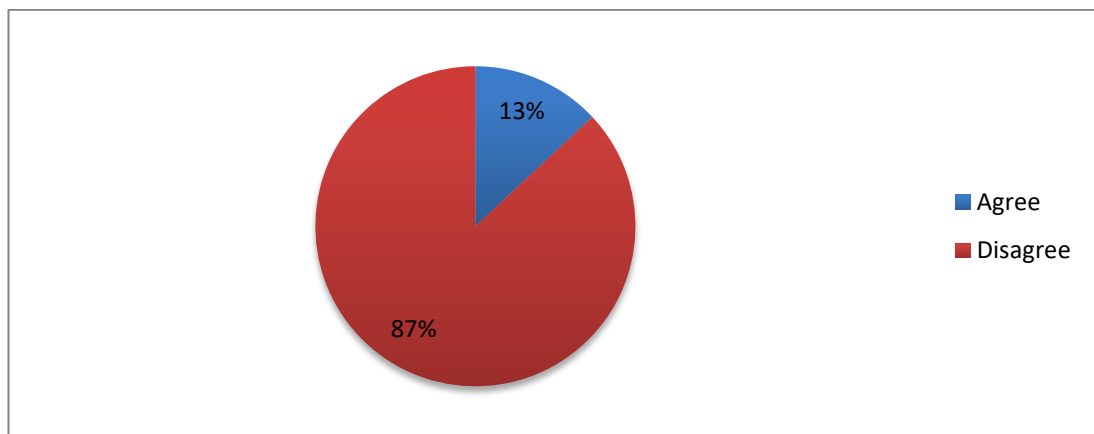
Royalty payment is the only option for literary works



Result indicated that awareness is growing that merely crediting the author is insufficient and that profits from creative works should not be freely disregarded.

Chart: 14

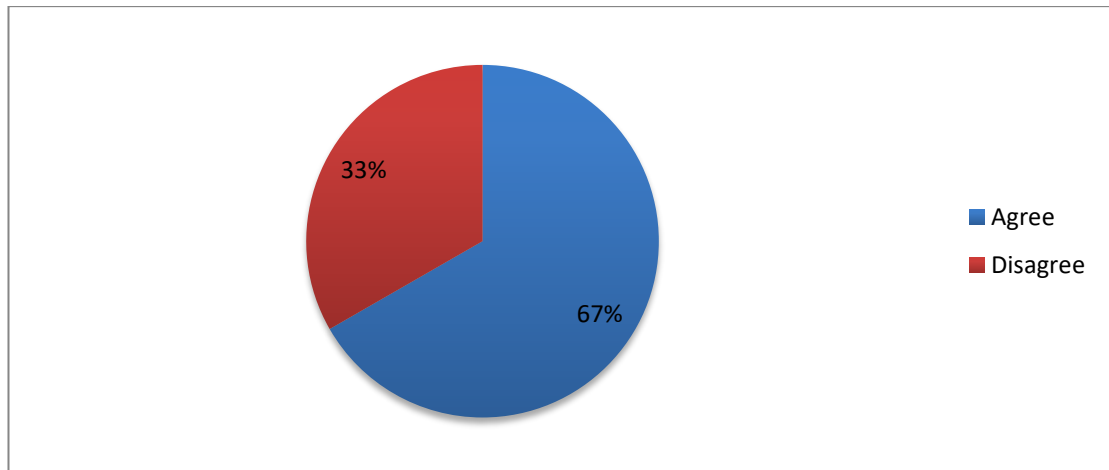
Adequate awareness of Copyright Law in the Mizo Community



Result indicated that the Mizoram government is underperforming in spreading awareness of copyright law, requiring more effort to educate the populace.

Chart: 15

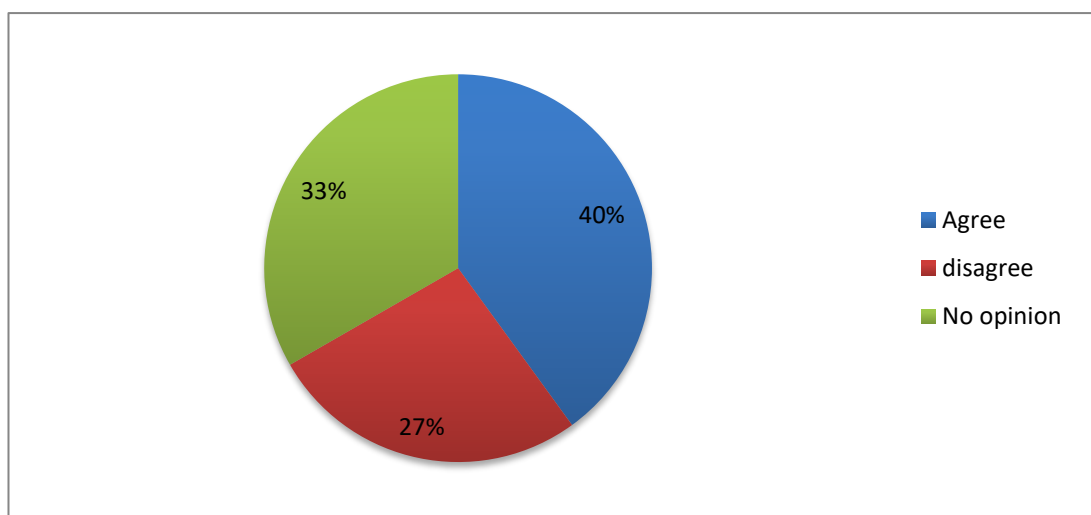
Proficiency of professionals involved in copyright litigation needs to be updated



Result highlighted that awareness campaigns alone are insufficient; copyright holders are striving for further development of copyright, urging the government to take initiative.

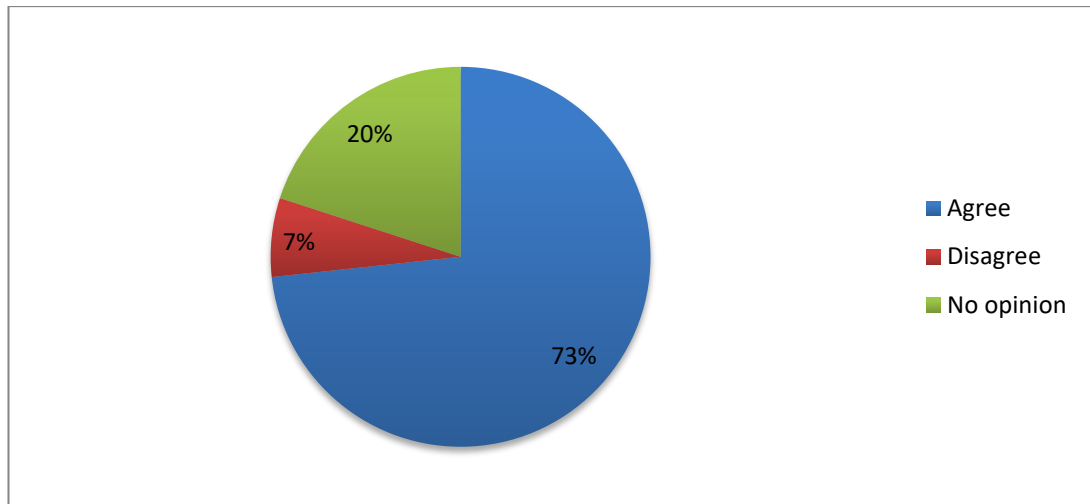
Chart: 16

Strict application of copyright hampers economic/cultural development



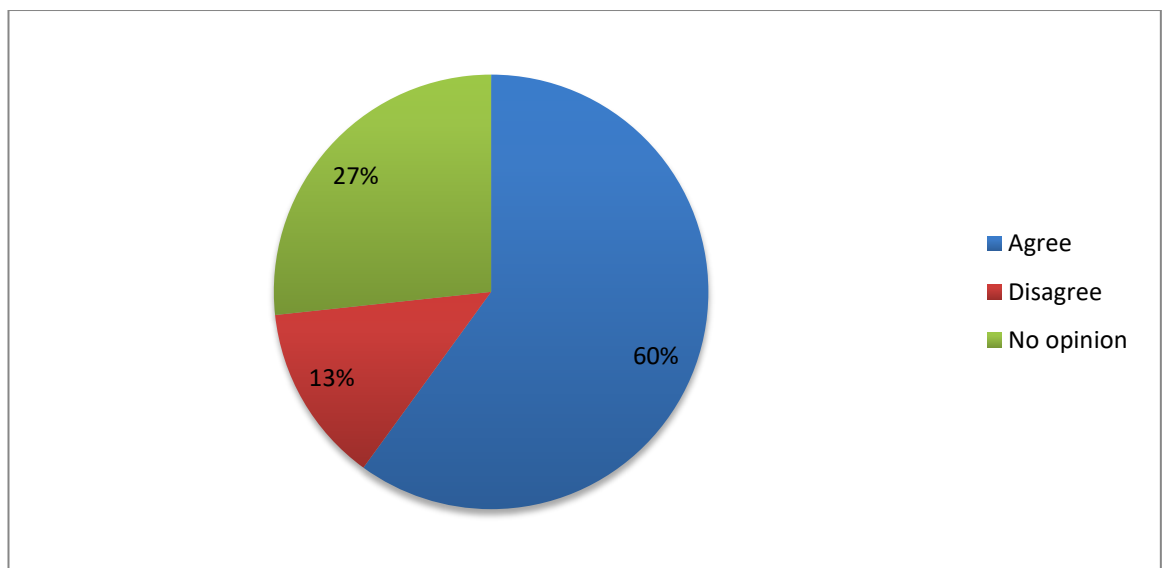
People are unsure of the extent and scope of copyright infringement and unaware that strict implementation can affect literature, culture, and the economy.

Chart: 17
Seminars/workshops on piracy are needed



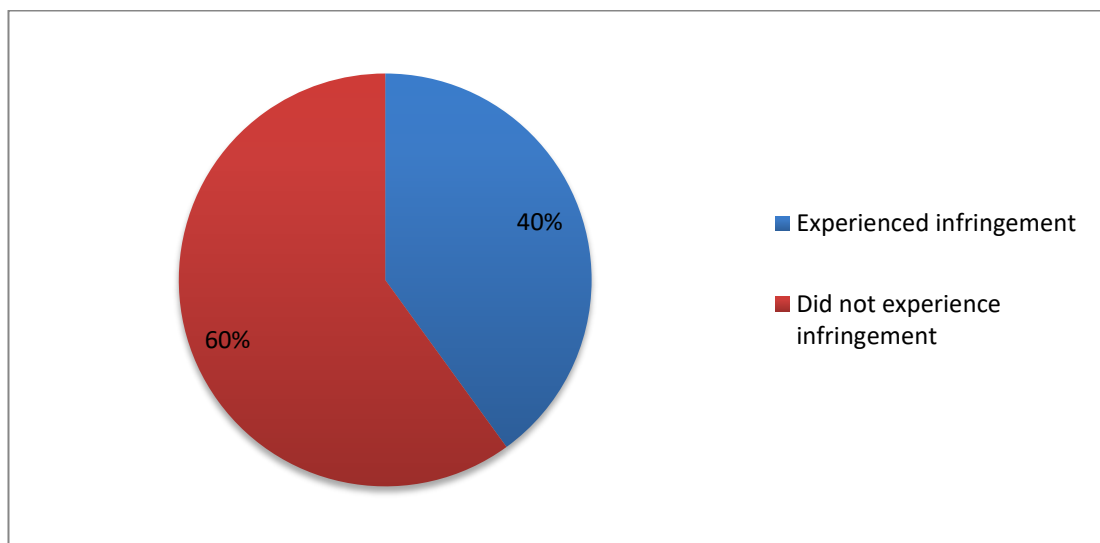
Copyright infringement in the Mizo community necessitates a copyright awareness campaign, including anti-piracy measures, targeting educational institutions and the general public.

Chart: 18
People positively inclined towards copyright protection



Respondents believe that Mizo people are generally law-abiding and would respect copyright protection if made aware of its importance and the legal consequences of infringement.

Chart: 19
Experience of infringement of copyrighted work.



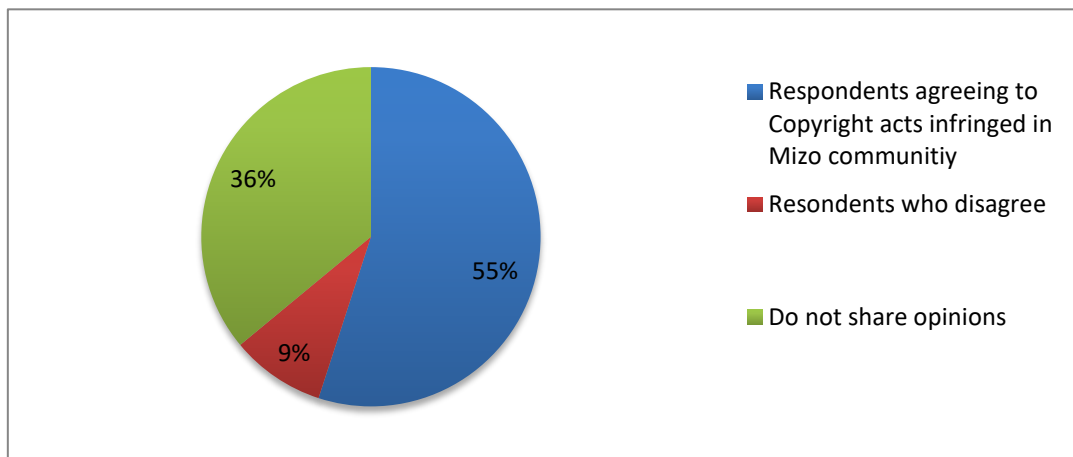
A minority of Respondents have experienced copyright infringement, indicating a potential to control such acts.

PART – B

Part B was answered by those who work in relation to copyright - the heads of the concerned department, and those who work in litigation – Lawyers, Judges, Police and those who work in the judicial department. As they work in litigation and in the technical field, they are the ones who will have the most insight on the subject matter relating to copyright. As a result, their responses are assumed to be trustworthy and reliable.

Chart: 20

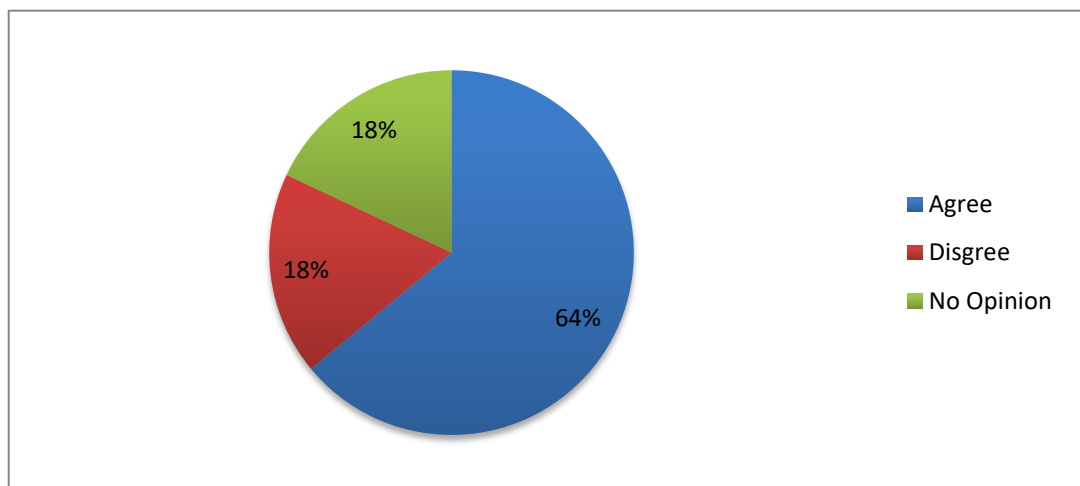
Copyrights are generally infringed in the Mizo Community



Result indicated that Copyright infringement is a common issue in the Mizo community, with only a small percentage of respondents claiming otherwise.

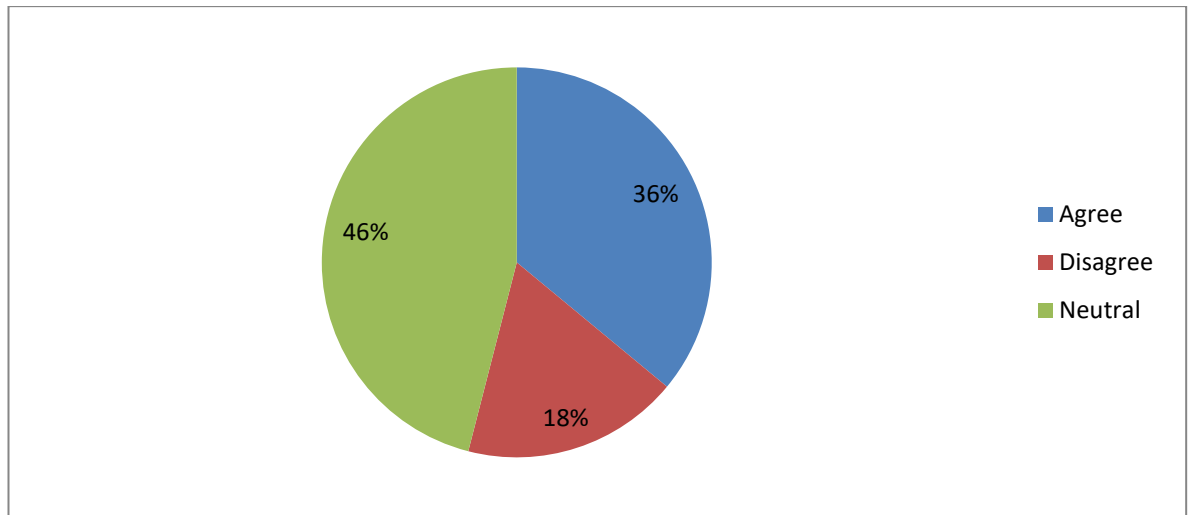
Chart: 21

Compensation is an adequate remedy for infringement



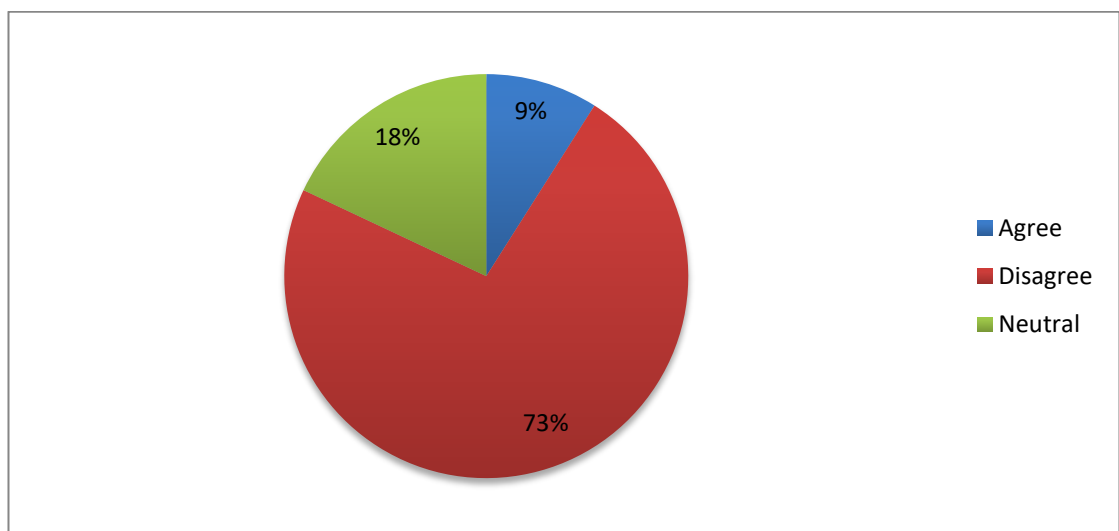
Result revealed that monetary compensation is considered the best relief for copyright holders due to potential income loss, although other forms of compensation may exist.

Chart: 22
Difficult to prove copyright infringement



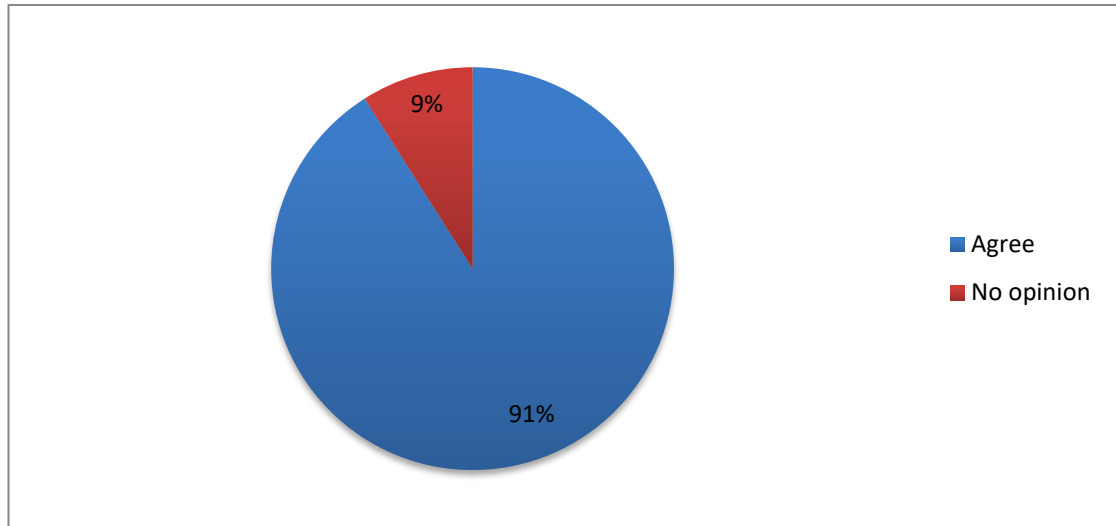
Result indicated that Copyright infringement is often difficult to prove, contributing to the lack of swift punishment and a general lack of understanding of copyright.

Chart: 23
Copyright law is ineffective



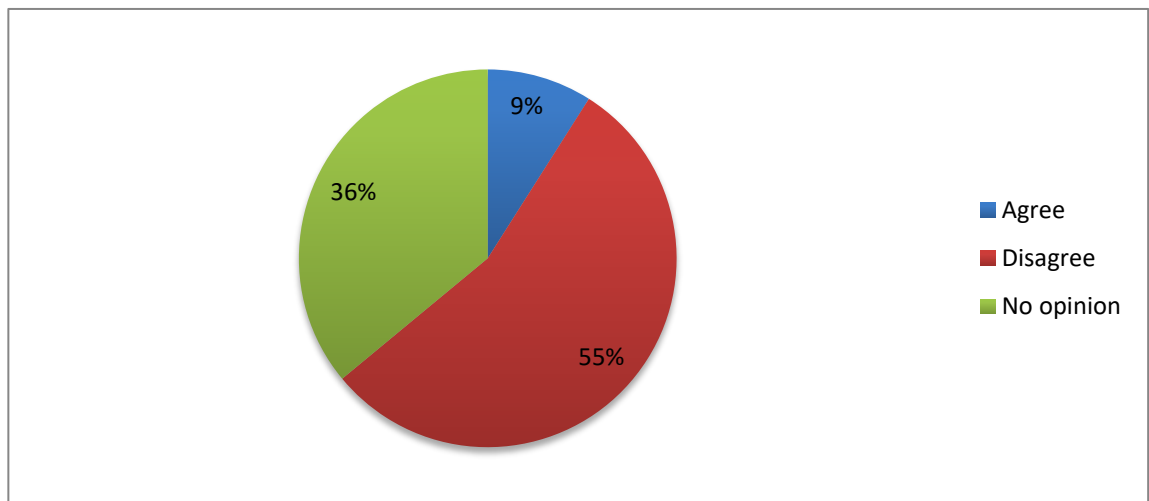
While Part A respondents find the Copyright Act, 1957 inadequate, Part B respondents believe it is adequate, suggesting that those familiar with the law consider it sufficient in protecting copyright holders.

Chart: 24
Enforcement of Copyright Act is poor in Mizoram



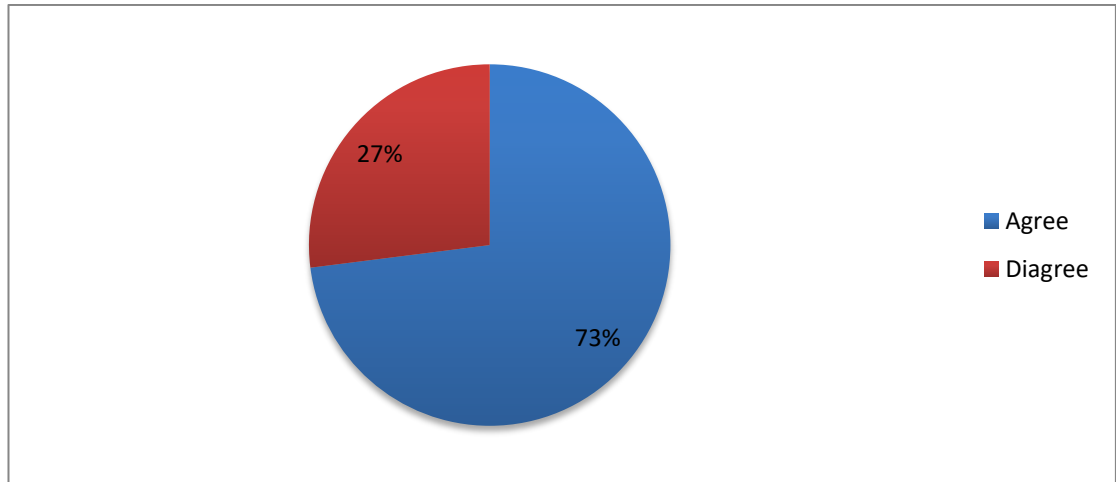
Copyright laws and their enforcement are inadequate in Mizoram, with no Respondents vouching positively for the situation.

Chart: 25
The Copyright Act, 1957 does not provide strong protection from infringement



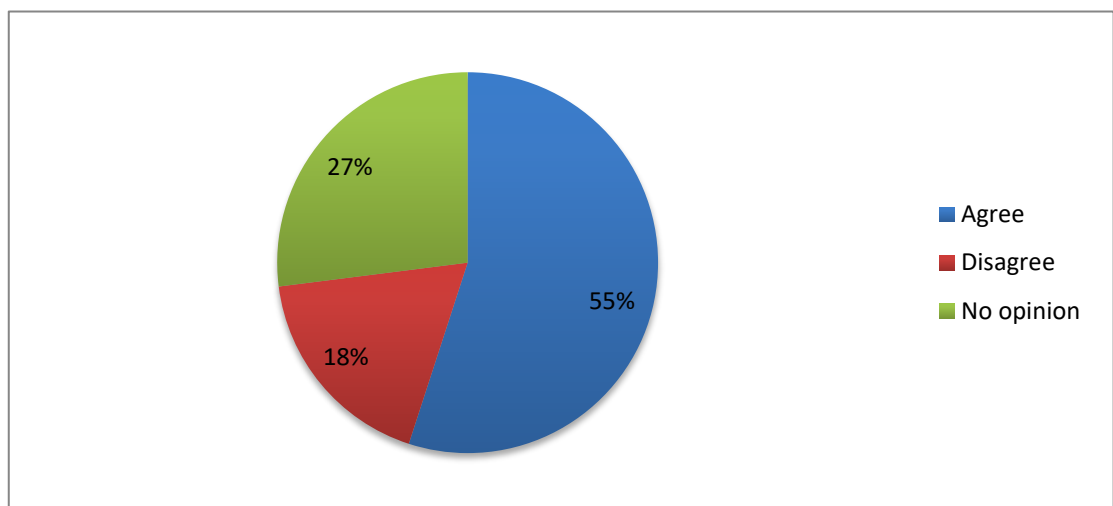
Professionals believe the Copyright Act, 1957 adequately protects registered creative works, contrasting with copyright holders who find the laws inadequate, likely due to lacking implementation by the State Government and related agencies.

Chart: 26
Punishment or fine for infringement is adequate



Result revealed that expert opinions favor monetary compensation as the most effective tool for curbing copyright infringement.

Chart: 27
Need to adapt Copyright Act provisions for Mizo community

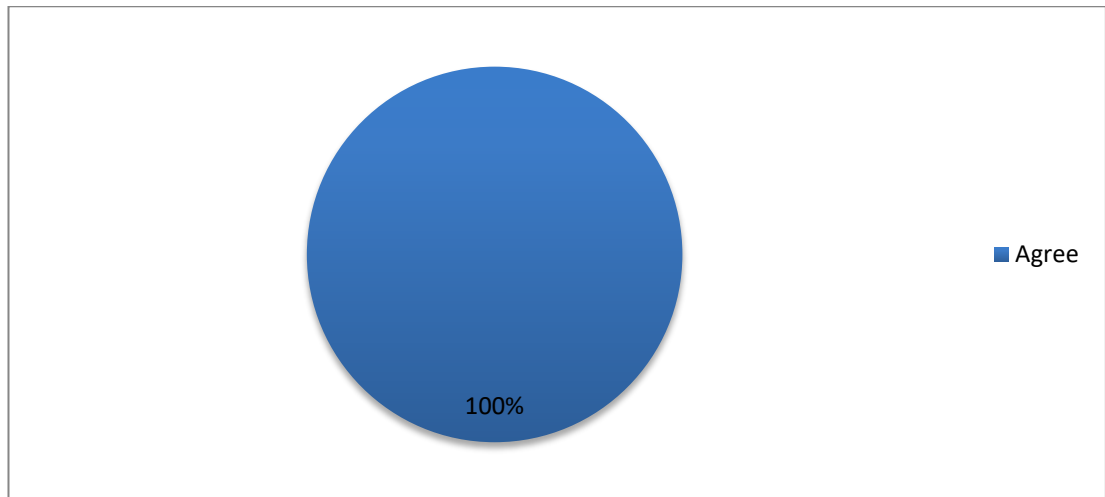


The Copyright Act may require adaptation to align with the Mizo community's culture of sharing, as the premise of monopolizing creative work

clashes with their traditional values. Article 371G of the Indian Constitution ensures that the Copyright Act is modified to fit the Mizo community's social environment.

Chart: 28

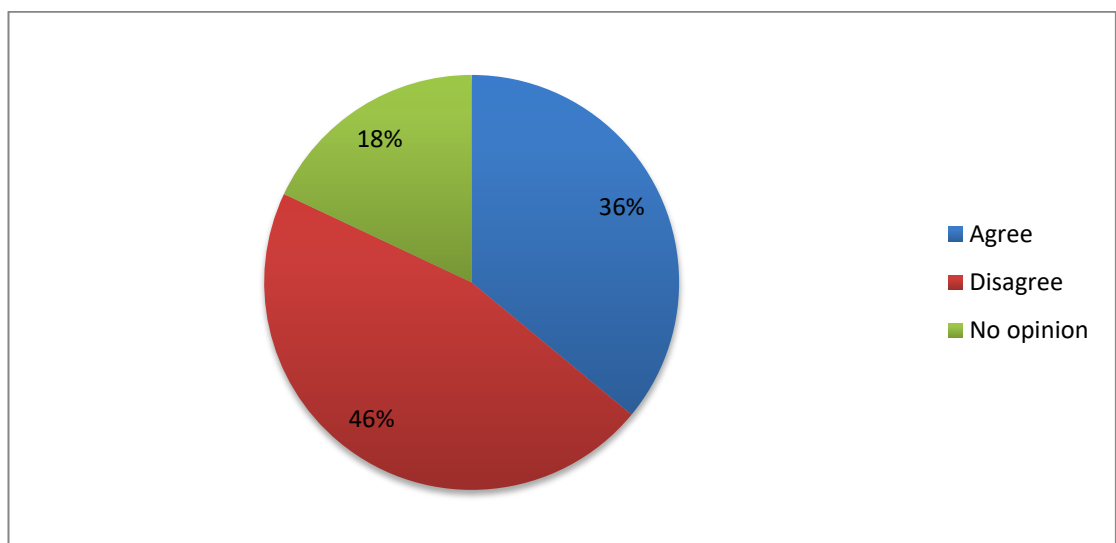
Registration of intellectual works under the Copyright Act, 1957 is beneficial



Registering work is essential for protecting it under the Copyright Act, 1957, as unanimously agreed upon by Respondents.

Chart: 29

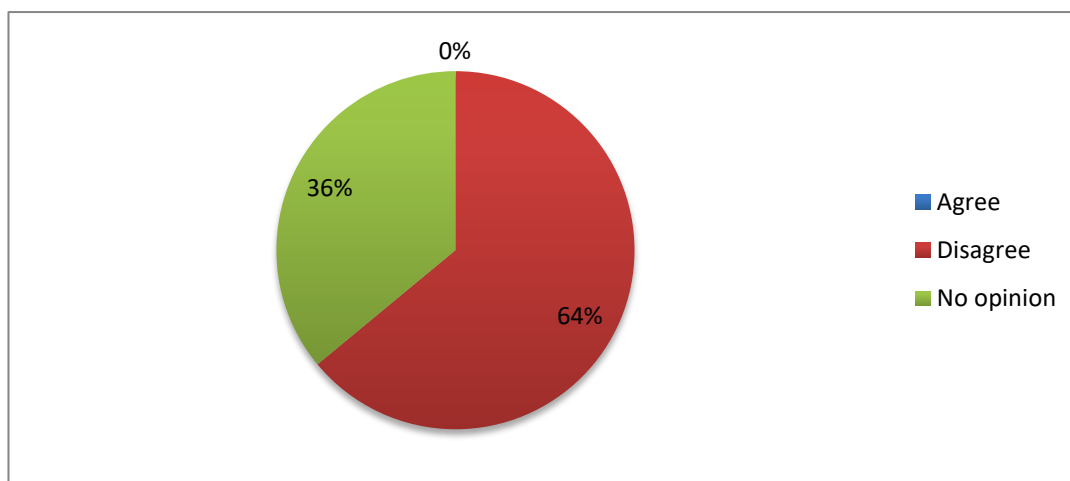
Copyright registration should be made compulsory



A majority of respondents do not believe copyright registration should be mandatory, valuing independence and free autonomy.

Chart: 30

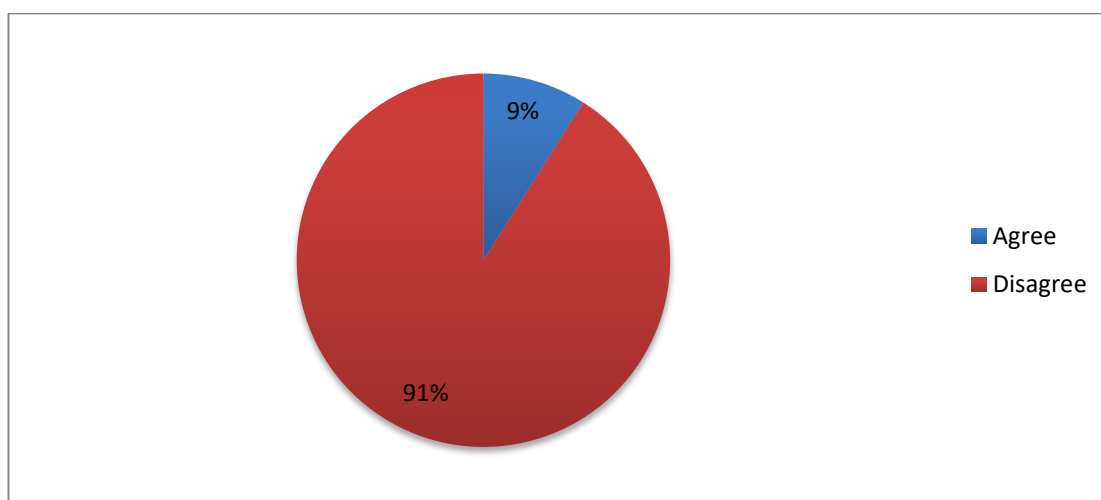
Current legal provisions and enforcement machinery in Mizoram are adequate



Result indicated that the government has yet to take proper action to remedy the ongoing displeasure and implement copyright laws better in the state.

Chart: 31

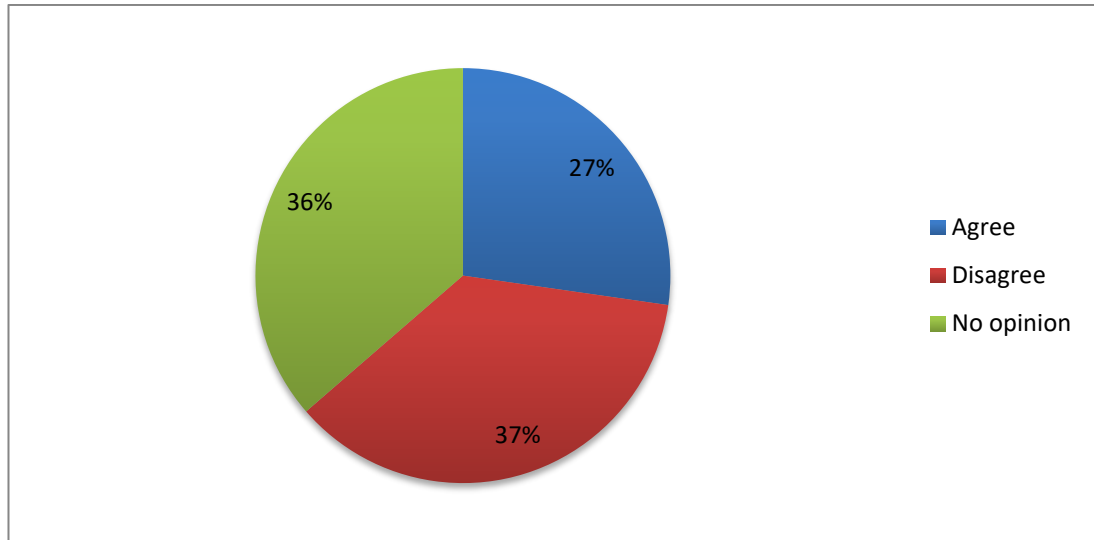
Adequate awareness of Copyright law in the Mizo community



Result revealed that there is a lack of awareness of copyright laws in the Mizo society across the government, community, and educational institutions, highlighting the need for furtherance of learning on the topic.

Chart: 32

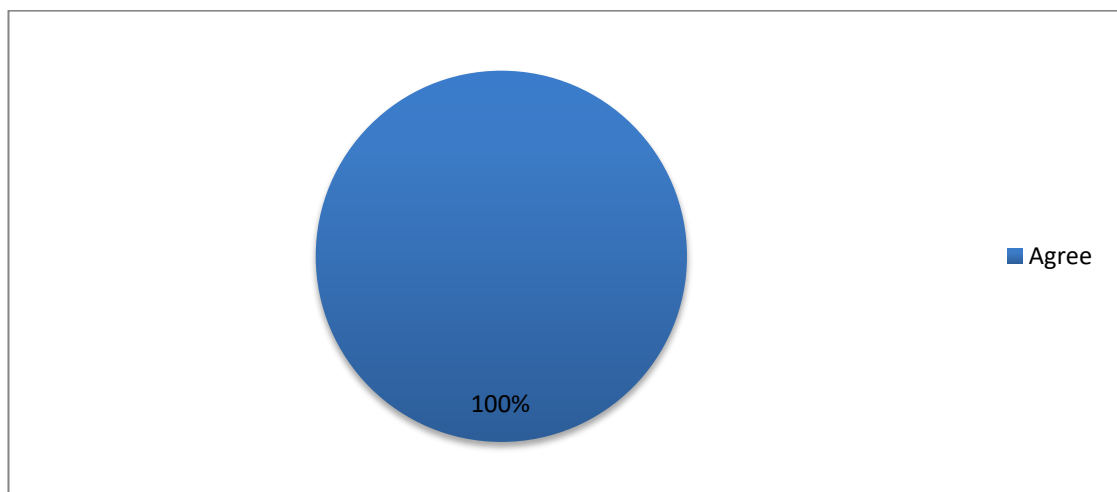
Strict application of copyright hampers economic and cultural development



Result indicated that aggressively implementing copyright laws can negatively impact cultural, literary, and economic spheres, necessitating an adaptation of the law that matches the culture, tradition, and lifestyle of the Mizo people.

Chart: 33

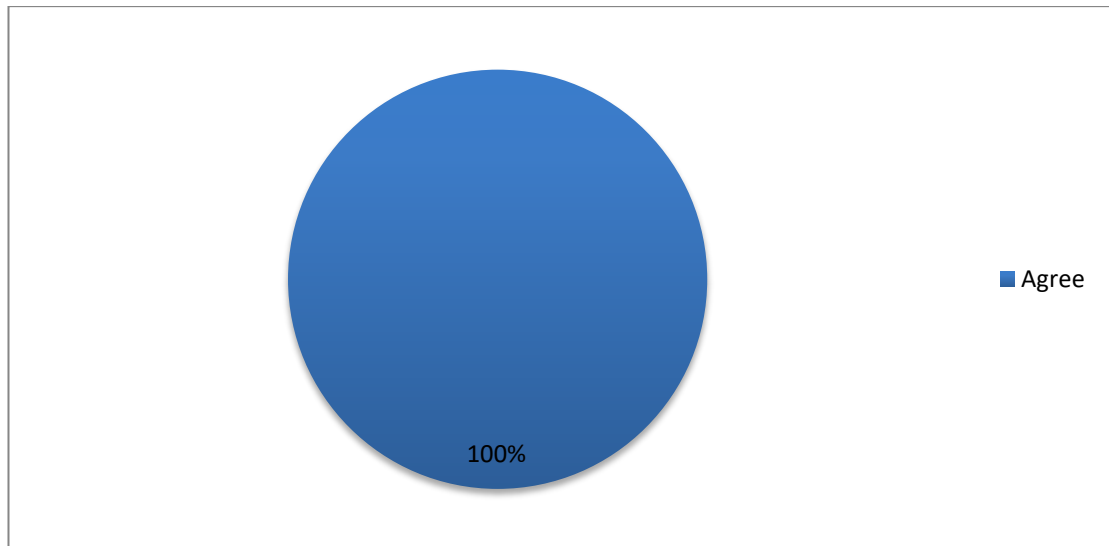
Arranging seminars/workshops on piracy is a must



Result indicated that to curb copyright infringement, a copyright awareness campaign is needed, including educating those in charge and incorporating an anti-piracy campaign targeting educational institutions and the general public.

Chart: 34

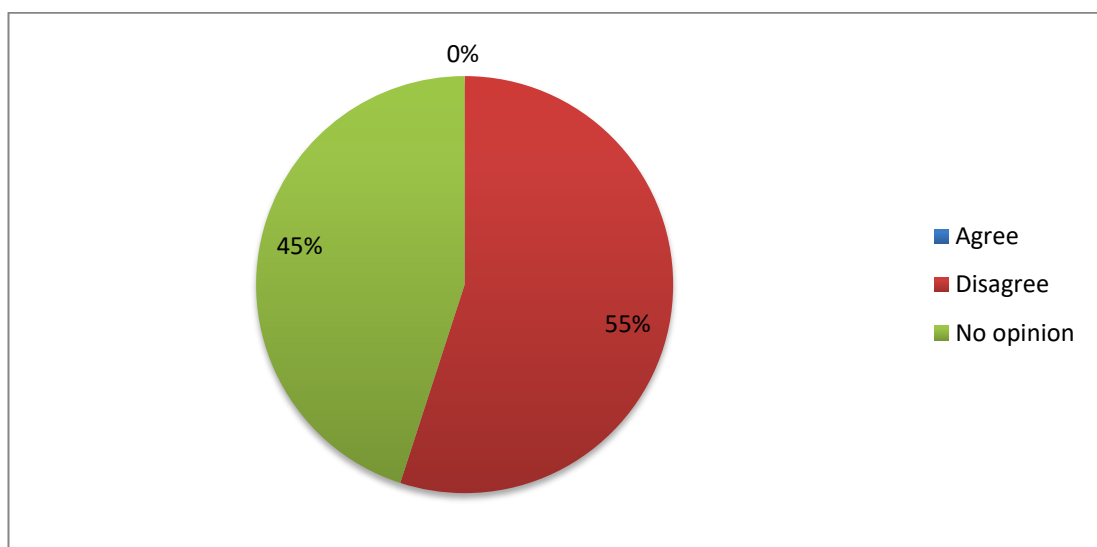
Proficiency level of professionals involved in copyright litigation needs to be updated



Result indicated that those working with intellectual property rights need to further strive to spread awareness through training, seminars, and workshops, requiring competent authorities to take action as soon as possible.

Chart: 35

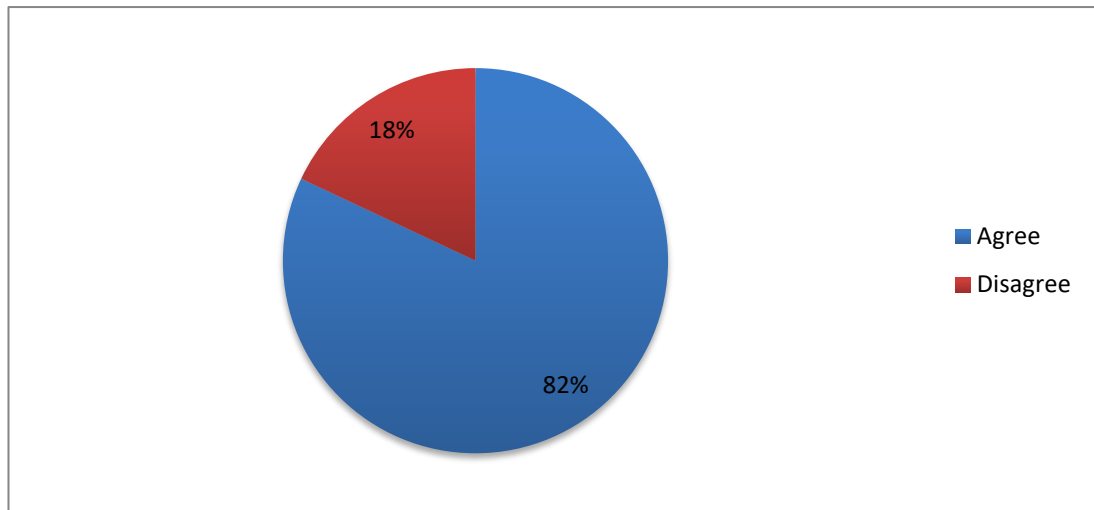
**Nodal agency receives enough support from Copyright administration/
State Government**



Result indicated that despite their best efforts, those working in copyright-related areas do not receive enough support from superior authorities.

Chart: 36

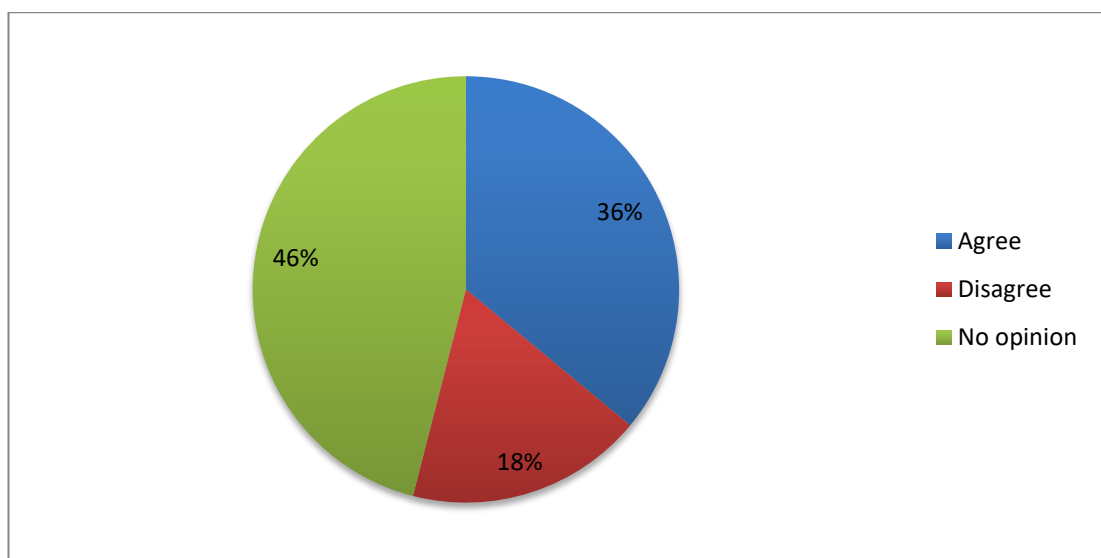
Copyright cell should be dynamic and well-equipped



Result indicated that a dynamic and well-equipped copyright cell is needed in each state, requiring better government support for those working in copyright-related spaces and departments

Chart: 37

Most people are positively inclined towards copyright protection



Result indicated that the Mizo people are generally law-abiding citizens, and copyright infringement is mainly due to a lack of understanding of the law and its illegality.

Table 6: Key Survey Findings - Copyright Creators (Artists, Writers, Musicians)

	%	%	%	
Core Perception / Issue	Agree	Disagree	Neutral	Key Implication
General awareness ofcopyright exists	73	27	0	Awareness is high, but depth is lacking (see Table 2).
Copyright infringement is prevalent in the community	74	13	13	Strong consensus on the pervasiveness of the problem.
Enforcement of copyright law in Mizoram is POOR	100	0	0	Unanimous and severe criticism of state enforcement mechanisms.
Personally suffered economic loss due to infringement	40	60	0	Highlights that not all infringement is perceived as financially damaging.
Adequate awareness of copyright in the Mizo community	13	87	0	Overwhelming agreement on the critical awareness gap.

Table 7 : Key Survey Findings - Legal & Enforcement Professionals

	%	%	%	
Core Perception / Issue	Agree	Disagree	Neutral	Key Implication
Copyrights are generally infringed in the Mizo community	55	27	18	Confirms the prevalence observed by creators.
Enforcement of the Copyright Act is POOR in Mizoram	91	9	0	Near-unanimous confirmation of systemic failure from within the system
The Copyright Act, 1957, itself is ineffective	27	73	0	Problem identified as implementation, not the law's adequacy.
Proficiency of professionals needs updating	100	0	0	Unanimous call for capacity building within enforcing agencies.
Need for seminars/workshops on piracy	100	0	0	Unanimous demand for educational initiatives.

As summarized in Tables 6 and 7 above, the survey reveals a stark consensus on the prevalence of infringement and the failure of enforcement, while highlighting a critical divergence in views on the adequacy of the law itself between creators and professionals...

Results and Discussion

Part A: Artists, Singers, Songwriters, and Authors

The analysis of responses from Part A (artists and creators) revealed a mixed landscape regarding copyright awareness. While a significant majority (73%) reported being aware of copyright existence, a large proportion (69%) admitted to having only a limited understanding of the law itself. This knowledge gap is reflected in practice, with an overwhelming 88% acknowledging the use of copyrighted works without permission. Despite this, there is a strong consensus among creators (74%) that copyright infringement is prevalent, and 87% believe it negatively impacts reputation.

However, opinions were divided on the difficulty of proving infringement (47% find it difficult, 33% had no opinion) and whether they personally suffered due to it (40% yes, 60% no). A striking finding was the unanimous agreement (100%) among creators that the enforcement of copyright law in Mizoram is poor.

Views were mixed regarding the adequacy of remedies under the Copyright Act (40% agree, 40% no opinion) and the benefits of registration (only 33% believed it beneficial, while 54% had no opinion). Despite these varied perspectives, there was strong support (73%) for the need for seminars and workshops on piracy, and a majority (60%) believed people are generally positively inclined towards copyright protection, even though 87% felt overall community awareness was inadequate.

Part - B: Copyright Professionals

Part B Respondents, consisting of professionals working within or adjacent to the copyright system, provided further crucial insights. A majority (55%) agreed that copyrights are generally infringed in the Mizo community, and an overwhelming 91% concurred that the enforcement of the Copyright Act is poor in Mizoram.

Interestingly, while enforcement was deemed poor, a large majority (73%) disagreed that the Copyright Law itself is ineffective, and 55% disagreed that the Act

fails to provide strong protection. This suggests the issue lies more with implementation than the legal framework itself.

Professionals strongly supported the idea that compensation is an adequate remedy (64%) and that punishment/fines are adequate (73%). There was unanimous agreement (100%) on the benefits of registering intellectual works and a strong consensus (100%) on the need to update the proficiency of professionals involved in copyright litigation, as well as the necessity of arranging seminars/workshops on piracy (100%).

Furthermore, a significant majority (64%) disagreed that current legal provisions and enforcement machinery are adequate, and 55% felt the need to adapt Copyright Act provisions specifically for the Mizo community.

There was also strong support (82%) for establishing a dynamic and well-equipped Copyright cell, although 55% believed the nodal agency currently lacks sufficient government support. Mirroring the creators' views, 91% of professionals agreed that awareness of copyright law within the Mizo community is inadequate.

Overall, the survey highlights a significant disconnect between the existence of copyright law and its effective understanding, implementation, and enforcement within the Mizo community. While creators are aware of infringement and its potential harm, actual understanding and utilization of protective measures like registration are low, compounded by widespread unauthorized use.

Professionals confirm the prevalence of infringement and poor enforcement but largely view the existing law as fundamentally adequate, pointing towards critical gaps in implementation, resources, professional training, and public awareness. Both groups strongly advocate for educational initiatives and improved institutional mechanisms to bridge these gaps.

Findings

Copyright Act, 1957: This act protects original literary, dramatic, musical, and artistic works by granting creators exclusive rights, outlining penalties for infringement and exceptions for fair use.

Knowledge of Copyright Act: In-depth knowledge of the Copyright Act, 1957 is relatively rare in Mizoram, often limited to legal professionals, intellectual property experts, and creators.

Copyright Infringement: Copyright infringement has become a significant issue in the Mizo community due to the rise of digital platforms, leading to financial losses and emotional distress for creators. Mizoram Police have addressed copyright infringement related to music videos and programs from Zonet/LPS being uploaded to YouTube without permission.

Monetary Compensation: Monetary compensation is crucial for victims of copyright infringement in Mizoram, helping them recover losses, recognize their work's value, and deter future infringement.

Lack of Awareness: Copyright infringement often goes unchecked due to a lack of awareness of the Copyright Act, 1957, hindering efforts to protect creative works.

Professionals' Beliefs: Professionals in creative fields tend to believe that current legislation provides sufficient protection but emphasize the need for more awareness and improved enforcement.

Unknown Entities: Copyright Societies and Copyright Boards remain relatively unknown in Mizoram, contributing to the unauthorized use of works with educational or public awareness value.

General Awareness: While most people are aware that copyright infringement is against the law and can impact creators, the perception that some works are "fair game" persists, highlighting the need for greater education.

Translation: Translating someone else's creative work without permission constitutes copyright infringement, undermining the incentive to create and innovate.

Importance of Registration: Professionals strongly emphasize registering creative works under the Copyright Act as crucial for protecting artists' rights and interests.

Lack of Awareness of Registration: The general population in Mizoram remains largely unaware of the benefits and drawbacks of copyright registration, with many uncertain about its implications.

Challenges in Proving Infringement: Copyright infringement can be challenging to prove, and its impact is often minimized due to the community's socio-economic status, exacerbated by inadequate implementation of copyright laws.

Simple Actions: Even crediting the owner's name without permission can constitute copyright infringement, highlighting the need for more effective awareness campaigns and education initiatives.

Need for Continuous Learning: Professionals working in copyright-related fields must continually update and expand their knowledge to provide more effective support to creators and navigate the complexities of copyright law.

Lack of Government Support: The Nodal agency and State Government in Mizoram appear to be lacking in their implementation of copyright laws, necessitating comprehensive training and education for those working in copyright-related spaces.

Adaptation of Copyright Act: The Copyright Act needs to be adapted by the State Government to align with the unique cultural, traditional, and societal context of Mizoram, focusing on spreading awareness and educating the public.

Government Support: Government support for those working in copyright-related spaces and departments is vital for empowering these professionals to enforce copyright laws effectively and support creators, promoting a thriving creative industry.

CHAPTER - 7

CONCLUSION

The first chapter introduced the thesis. It is an illustration of how copyright is protected by law. It talks about the problem the Mizo community has with literary works. It clarified the idea and intent of the 1957 Copyright Act. It also included the study's goals, objectives, research questions, methods, problem statement, research gap, chapterization, and review of literature.

The second chapter provided a detailed analysis of the Copyright Act of 1957 and placed its provisions in the perspective of Indian copyright's historical development. The origins of the Copyright Act, worldwide intellectual property agreements and conventions, and the definition and characteristics of intellectual property law are all emphasized to provide a comprehensive picture of copyright law. It also examines the laws and regulations governing copyright registration and copyright protection for copyrighted works, as well as the administrative structure that oversees copyright law in India and the functions and duties of the Copyright Board and copyright organizations. Finally, it concluded with a brief examination of the Copyright Act of 1957.

The third chapter covered the fundamentals of copyright law, intellectual property law, administrative protection of copyright infringement and its exceptions, corrective actions, and a study of a copyright infringement case that had previously been decided by the Apex Court. It offers details on fair use, which permits the use of another person's copyrighted work without violating any legal requirements. It is a systematic examination of the administration of copyright protection as construed by copyright law.

The fourth chapter focused specifically on the Mizo community's awareness of copyright. The study used a research strategy that blended questionnaires and interviews to make data collecting easier. It can be described as an empirical and non-doctrinal examination that aims to offer new perspectives and insights because

there hasn't been any previous research in this area. It is essentially a synopsis of Mizo's copyright-related writings.

The administrative protection of Mizoram's copyright legislation was discussed in the fifth chapter. The extent to which the state of Mizoram has supported intellectual property and its copyright laws is being deliberately examined. It also examined the government's initiative in implementing the rules set forth in the Copyright Act of 1957. Finding the issues and challenges with the state's copyright laws is the main objective of this investigation.

The sixth chapter included a critical analysis of the questionnaire that was distributed to the 60 respondents. The survey's findings were published in order to better understand how the Mizo community views and understands the Copyright Act of 1957 and to ascertain the level of copyright infringement in the community. Furthermore, the previously mentioned survey has been split into two halves, Part A and Part B. Part A focuses on artists, singers, song writers, and authors, while Part B focuses on those employed in copyright-related professions, such as the Court of Law, the Science & Technology Department, the Law & Judicial Department, and the Cyber Crime Police Station. Thirty people in the respective regions have received each of Parts A and B.

The final chapter presents a comprehensive analysis of the collected data, synthesising the findings from previous chapters to draw meaningful conclusions. This chapter also identifies avenues for further research, highlighting the studies key discovery, which is the profound need for copyright law awareness within the Mizo community which has become increasingly pertinent.

Response to the Research Questions

1.What is the meaning and nature of the Copyright Act, 1957?

Copyright is essentially the exclusive right of an author to reproduce or duplicate a work for which they are granted copyright. It is the right to carry out particular actions with literary, dramatic, musical, and creative works as well as with

motion pictures and sound recordings, either directly or through authorized agents. It is the result of human talent and mental ability and represents creative labor. Additionally, it falls under the category of intellectual property, which is created by the "human brain."

The following are covered under Copyright:¹⁰⁶

- a) Anything that has to do with creative writing – books, songs, music composition, plays, and writings in general; computer programmes and software also fall under this category.
- b) Creative works borne from talent – paintings, drawings, maps, diagrams, charts, pictures etc.
- c) Architectural work including house and construction plans, and designs.
- d) Works that fall under filmography, videos and soundtracks.
- e) Anything that has to do with sound recording.

Copyright laws also include Broadcasting Rights as well, which entails the authority to show works for public screening on Television (TV) channels, radios and other electronic media.

This entails to companies who can give broadcasting rights on films, discussions with creators on turning their works into films, discussions with creators on advertisements for their products, as well as the exclusive right to allow people to take photography in times of sports events and other high profile events.

The Copyright Act of 1957 in India protects original literary, dramatic, musical, and artistic works. It gives creators exclusive rights over their work, including reproduction, distribution, and adaptation. This means that others cannot use or profit from the work without permission. The Act covers various forms of

¹⁰⁶P.Jagannathan, *op.cit.*, p.60

creative expressions like books, music, films, and artwork. It also outlines penalties for infringement and exceptions for fair use, such as criticism, research, or education.

Copyright is also the protection of a person's intellectual property from being stolen, reproduced or distributed without his permission. It also prevents others from copying or modifying the product. Copyrighted materials may not be modified in any manner, nor translated into other languages, nor inverted or recorded in any way. Films and videos are not allowed to be reproduced in the same way to the previously stated assets, portions of the video are prohibited from being converted into still images.

Furthermore, once drawings and artwork have been registered as copyrighted, they cannot be transformed into anything else, like sculptures, for example, without the creator's express consent. Similarly, once images and sculptures have been registered as copyrighted material, they cannot be reproduced without the creator's consent.

It is reiterated that copyright gives ownership and rights to the rightful creator of the information and works of art. At the same time, what has been sold with the permission of the owner must be legally distributed in the manner prescribed by the law. Intellectual Property Rights is a very important issue in India, however knowledge on the matter is still shorthanded and lacking in the eyes of the public and still people often lack the foresight to have their works registered and protected under copyright.

Copyright registration is not a requirement, but copyright infringement cases do occur and cases of stolen works and arguments over ownership of works can take place. In the event of such cases arising, copyright registration is very useful to avoid these issues and to ensure that the rightful owner is acquitted before the court.

The Copyright Act, 1957 covers the extent of copyright laws within the land of India, this law has been amended five times, and the amendment of 2012 is the current version in operation. This law protects authors, writers, artists and other

creative minds and gives them the sole right to use their works however they intend, it also prevents others from stealing and benefitting off of their work.

However, if the creator is working under some label or company, and creates his work while in the employment of such, and there was no prior agreement stating that the copyright of his work would belong to him alone, the copyright of such work falls under the hands of his employer.

Many different countries in the world, in order to protect the creative works of the minds being borne from their country, have made several agreements or conventions for their purpose. India as well has taken part in some of these conventions and agreements. Those are as follows – “(i) Berne Convention for the Protection of Literary and Artistic Work (ii) Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (iii) Universal Copyright Convention (iv) Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties (v) Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement”.

The countries that are part of these agreements are known as Convention countries. Under these agreements, if one country has given copyright to any given work, it is accepted and protected in the other countries as well. Works registered in these countries are accepted and protected, even in India, under the International Copyright Order, 1999.

2. What is meant by Copyright Infringement?

On strict interpretation of section 51 of the Copyright Act, 1957, it is clear that any activity taken in relation to a copyrighted work without the owner's permission, approval, license, or assignment is considered a copyright infringement.

To grasp the concept of copyright infringement, it is essential to analyze the Supreme Court's judgment in *RG Anand v. M/S Delux Films & Others*.¹⁰⁷ In this case, the Plaintiff/Appellant was a playwright, writer, and producer of theatrical

¹⁰⁷ AIR 1978 SC 1613

performances. Among his works was the play *Hum Hindustani*, written in 1953 and staged in 1954, which gained significant popularity.

In November 1954, the Defendant/Respondent, Mr. Mohan Sehgal, requested a copy of the play to assess its potential for adaptation into a film. After a meeting in Delhi where the Plaintiff narrated the storyline, the defendant returned to Bombay, stating he would communicate his decision later. However, in May 1955, the defendant announced the production of a film titled *New Delhi*, released in September 1956. Upon viewing the film, the Plaintiff alleged that it substantially reproduced his play without authorization.

The Plaintiff filed a lawsuit, accusing the defendant of copyright infringement, seeking damages, a permanent injunction against the film's screening, and an account of profits. The court examined two key issues:

1. Whether the film *New Delhi* infringed the Plaintiff's copyright in *Hum Hindustani*.
2. Whether the Defendant, by producing and exhibiting the film, violated the Plaintiff's copyright.

The Court ruled in favor of the Defendant, establishing several critical principles regarding copyright law:

1. Copyright does not safeguard ideas, themes, plots, or historical facts but only their specific expression, arrangement, and presentation.
2. Mere similarities arising from a common idea do not constitute infringement unless they pertain to essential elements of expression. A violation occurs only if the defendant's work is a material and substantial copy of the original.
3. A reliable indicator of infringement is whether an ordinary observer perceives the subsequent work as a copy of the original.
4. If the same idea is presented differently, resulting in an original work, no infringement exists.

5. Where substantial differences outweigh similarities, proving an intent to copy becomes difficult, and coincidental resemblances do not amount to infringement.

6. Copyright infringement, akin to piracy, must be proven with strong evidence under established legal standards.

7. Comparing a film to a play is complex due to differences in medium, scope, and presentation. However, if the film leaves the audience with the impression of being a direct reproduction, infringement may be established.

The court referenced *Donoghue v. Allied Newspaper*¹⁰⁸ Ltd, where Farwell J. observed:

"An idea, no matter how brilliant, remains unprotected unless expressed in a tangible form—be it writing, artwork, or performance. Copyright arises only when the idea is fixed in a discernible medium, granting exclusive rights over its specific expression."

This judgment clarifies that copyright protection applies only when ideas are transformed into a concrete work—such as a book, play, or film. Once published, the copyright holder gains exclusive rights to reproduce, adapt, or authorize its use. Unauthorized commercial exploitation constitutes infringement unless falling under permissible exceptions, such as:

- Personal, academic, or research use
- Critical review or commentary
- Reporting current events
- Judicial proceedings
- Live performances before limited audiences
- Religious ceremonies

¹⁰⁸(1937) 3 Ch. D. 503

Thus, while copyright law encourages creativity by protecting original expressions, it does not monopolize ideas, ensuring a balance between innovation and fair use

It is also pertinent to mention here that if a song composer were to add even one line which he did not compose himself from that of the other, this constitutes an infringement on the copyright of the original song. Similarly, if a composer steals even four notes of a tune from a pre-existing tune, he is breaking the law. There have been many such cases in recent times, even if the tune being borrowed is not protected and registered under copyright law, they can be sued in front of a court of law, and if found guilty, if not all, the majority of the profits will be relinquished to the original composer.

Breach of Copyright laws entails a punishment of imprisonment that may range for a period from six months to three years, as well as a fine ranging from Rs.50,000/- to Rs.2,00,000/-. In the case of repeated offenders, there is no particular need to wait for the word from the law, and notice may be sent to the complaint register where the Police have full authority to make arrests, conduct searches on the property and surrounding areas, and confiscate any illegally distributed works.

Copyright infringement is evidently not a new or recent development. After the recent developments made in the technological department, copying other people's work has become rampant, more so than ever before. Some people are even unaware of the fact that their actions are unconstitutional and commit theft on a regular basis.

As such is the current situation at hand, the need for awareness on matters regarding copyright is very evident. Even aspects such as what exactly entails copyright infringement itself need to be made known. To protect people's copyrights, it is needed to know how people's copyrights are infringed upon. On the other hand, if copyright protection becomes too strict, improvements on other aspects of intellectual property may become hindered, as such, the extent of what Copyright infringement covers and the extent of what are safe is important to be made known.

3. Was Copyright Infringement deeply ingrained in the Mizo Community?

From the response of questionnaire as well as the data collected from those involved with literary work, artists, writers, and the like, it can be seen that infringement of their copyrighted works and the stealing of artistic/creative works has truly begun to run rampant and set its roots in the Mizo Community and is no longer mere speculation but an unshakable fact.

The study identifies three recurring patterns of infringement in Mizoram:

1. Unauthorized Reproduction: 78% of surveyed authors reported their works being copied verbatim in local publications without permission.
2. Digital Piracy: Bootleg copies of Mizo-language books and music albums circulate widely via social media platforms, facilitated by limited digital literacy.
3. Exploitative Licensing: Middlemen often coerce creators into inequitable contracts, capitalizing on their lack of legal awareness.

According to the analyzation of data, it was found that there was 91% reported unauthorized uploads of their works on platforms like Facebook and WhatsApp, with only 4% successfully issuing takedown notices. As such, from the study and data analysis, it is apparent that copyright infringement has already been deeply ingrained in the Mizo community.

With the rise of digital platforms and easy access to content, unauthorized use and distribution of copyrighted materials have increased. This has led to financial losses and emotional distress for the creators, who often rely on their work for livelihood. The impact is felt across various industries, including music, literature, and art, where original works are being used without permission or proper attribution.

In certain cases, people have profited from the outright theft of other people's artwork. Unfortunately, because these works do not generate enough revenue to sustain themselves, people often do not take their violation to court. The law does not

punish individuals who break copyright more swiftly because it is sometimes difficult to show copyright infringement and because members of the Mizo community still do not fully understand copyright.

In Mizoram, as in many places, in-depth knowledge of the Copyright Act, 1957 is relatively rare. While many may have a basic understanding, those who have thoroughly studied and grasp its nuances are scarce. This specialized knowledge is often limited to legal professionals, experts in intellectual property, and creators who have invested time in understanding the intricacies of copyright law. As a result, many individuals and organizations may unintentionally infringe on copyrights or fail to fully protect their own creative works.

Most people are aware that copyright infringement is against the law and can directly impact creators and rights holders. Despite this general understanding, the perception that some works are "fair game" for unauthorized use persists, highlighting the need for greater education and awareness about copyright laws and the importance of respecting intellectual property rights across all types of creative and educational content.

It has also been observed that Mizo people are obedient when it comes to the law. Given this, it stands to reason that if adequate and pertinent information about the subject was disseminated, copyright regulations would be followed and cases of copyright infringement would decrease. The enormous frequency of copyright infringement in society appears to be mostly caused by people's widespread ignorance of the fact that actions that result in copyright infringement are prohibited.

In the past, there have been a few known instances of theft of song writings and tunes, it has never gone past the extent of squabbles through newspaper reporting. This is mostly because of the fact that creative work is generally not the sole source of income to its creators, and the fact that despite these problems arising, no one has yet to bring them to court.

4. How far has the State Government taken steps for Copyright Protection in Mizoram?

It has been 35 years since Mizoram became a state. Throughout this period, there hasn't been a Mizoram-specific amendment to the "Copyright Act, 1957" which shows that the Mizo society lags far behind in terms of intellectual property.

In the meantime, Copyright-related issues are handled by the "Patent Information Center" cell of the Directorate of Science & Technology, Government of Mizoram; no separate department has been set up to deal with these issues. In 1986, the Science & Technology Department was established under the name "Planning & Programme Implementation Department, Government of Mizoram," After the Cabinet Meeting in August 2011, the Department was elevated to a legal Directorate and renamed the "Directorate of Science & Technology" to accommodate the remarkable global development. As the years went by, the development became evident.

The Directorate of Science & Technology has two essential branches. They are the Mizoram State Remote Sensing Application Centre (MIRSAC) and the Mizoram Council of Science, Technology & Environment (MCSTE). The Mizoram Science & Technology & Innovation Council (MISTIC) granted the "Patent Information Center," which is currently in charge of all copyright-related matters.

As the Guardian and Preserver of Intellectual Property, the Patent Information Center places a high priority on working to uplift and defend innovators. As a result, it lacks the authority to act and penalize people who violate copyright laws. Nonetheless, the Enforcement Agencies have the authority to prosecute copyright infringement. In order to protect the rights of copyright owners, the Mizoram Police Department's Cyber Crime Police Station (CID) was created to prosecute copyright violators within the bounds of the law.

Meanwhile, the Cyber Crime Police Station is not treated as a separate department and receives very poor funding and is given incomplete authority as of the moment and merely exists as a single cell in the Home Department under the

supervision of the Police Department. Active police officers are currently being sent to the cell, and CID staff are not often specialists in issues pertaining to intellectual property and copyright. This should demonstrate how important it is for everyone to emphasize issues pertaining to copyright and intellectual property.

It has been observed that only 12% of infringement cases filed between 2010–2024 resulted in convictions, compared to the national average of 34%. This enforcement gap stems from procedural delays, evidentiary challenges in proving digital infringement, and a shortage of specialized IP enforcement agency. As of now, the Mizoram Science & Technology Department processed only 14 copyright registrations, attributing low engagement to "lack of outreach programs". Moreover, it is visible that Cyber Crime Police Stations lacked dedicated IP cells, with 73% of officers receiving no specialized training in digital copyright enforcement.

In the meantime, the state administration has not taken any major action, even though political leaders convened on Wednesday, May 26, 2010, at the Secretariat Conference Hall in Aizawl, to discuss copyright-related matters under the guidance of the Mizoram State Law Commission and in cooperation with the Law & Judicial Department.

There is a pressing need for more effective awareness campaigns and education initiatives to inform the community about copyright laws and the importance of respecting intellectual property rights. Until such efforts are successful, copyright infringement will likely continue to be a significant issue in the Mizo community, undermining the creative industry and depriving creators of their rightful recognition and compensation

5. What are the issue and challenges of Copyright Law in Mizoram?

According to the data analyzation, it has been observed that in-depth familiarity with the Copyright Act of 1957 is rather uncommon in Mizoram. There are few people who have studied it in depth and are aware of its subtleties, even though many may have a fundamental comprehension. This specific expertise is frequently reserved for legal professionals, intellectual property specialists, and authors who

have taken the time to learn the nuances of copyright law. Because of this, many people and organizations could unwittingly violate copyrights or neglect to properly secure their own creative works.

It is evident that copyright infringement has grown to be a serious problem that impacts original work owners and artists. Unauthorized use and distribution of intellectual information have increased due to the growth of digital platforms and the ease with which content can now be accessed. For the creators, who frequently depend on their work for a living, this has resulted in both monetary losses and psychological suffering. Original works are being utilized without permission or due credit in a variety of industries, such as music, literature, and the arts.

The saddest thing is that copyright violations frequently go unpunished, because of the fact that the general public is unaware of and does not comprehend the Copyright Act of 1957. Despite ongoing discussions over the Act's sufficiency, the main problem is that many individuals are not aware of its significance and provisions. This lack of awareness undermines attempts to safeguard artistic creations and encourages disrespect for intellectual property rights.

From the data collected from those involved with literary work, artists, writers, and the like, it can be observed that their copyrighted works have been infringed upon many times in the past. In some cases, people have passed off other's artwork as theirs entirely and have profited off of them in this manner as well. At the same time, the sad reality is that as these works do not generate enough income to earn a living entirely on their own, people often do not end up going to court over their infringement.

Furthermore, it can be seen that while the Mizo people have become plenty aware of the terminology of Copyright itself, the meaning and connotations of the term still seem to be rather lost on them. At the same time, it is an undeniable fact that the people seem to brush over and are apathetic towards the ins and outs of Copyright itself. The people who have in-depth knowledge on the matter seem to be few and far between. This clearly showcases the current stand of the people on the topic at hand.

. It has also been observed that many people in Mizoram are not aware of the functions that Copyright Societies and Copyright Boards play in managing and defending copyrights because they are still largely unknown organizations. Because of this ignorance, some works, especially those that have instructional or public awareness value are frequently viewed as freely available for distribution without attribution or authorization. Since many people believe that these kinds of works are worthless, utilizing them without permission is not regarded as a grave crime or an evil conduct.

In fact, the benefits and drawbacks of copyright registration are still largely unknown to the general population in Mizoram. Some people believe that copyright holders should have the final choice over whether or not to register, while many others are unclear about the repercussions of doing so. Unfortunately, the majority of people lack a thorough understanding of the Copyright Act, which is exacerbated by their lack of knowledge of the registration process. As a result, many artists may not be making the most of the protections that are available to them, which leaves their works vulnerable to infringement. Public education and awareness campaigns could assist bridge this information gap and empower artists to make informed decisions about intellectual property protection.

It appears that Mizoram's State Government and Nodal agency are not implementing copyright rules effectively, which could have serious repercussions. In addition to being a crime against individual producers, copyright infringement has wider ramifications for the government and society at large. Ignoring intellectual property rights has the potential to hinder innovation, harm the creative sector, and cost the government money. As such, it is crucial that those working in copyright-related fields obtain thorough instruction and training in order to solve this. The government should also place a high priority on bolstering its enforcement systems and working with professionals to create practical plans for defending intellectual property rights and encouraging an innovative and creative culture.

It should be noted that those working under such cells have no particular experience nor the skill set required for the job that they have. The day when those

with actual degrees in the field of Intellectual Property law take charge is highly anticipated. There is a famous proverb that states that ‘If the blind lead the blind, both shall fall into the ditch’; this proverb also applies in this situation. If those who lack the proper knowledge or skill set are the ones leading the charge for handling the affairs and educating other laymen, there is no hope for advancement and the only future to be seen is that of everyone collectively falling into the dark ditch.

Hence, it has become increasingly evident that those in power need to become more aware and take strides in the development of matters pertaining to intellectual property. With advancements in the world, current society demands that preparations are made in this matter.

A phenomenal step in the right direction is the establishment of the ‘Cyber Crime Police Station’ in recent times. However, as grand as the namesake of this sound, the reality of the matter is that it can be stated to merely be a cell functioning under the Superintendent of Police, Aizawl. Similarly, those working under this cell are placed without any prior special training once again. While the existence of the cell itself is exceptional, advancements should be made in other areas as well

The Mizo community is not that large in numbers, however the scale of Copyright infringement found in it is on an astronomically devastating scale. Ignorance can truly hinder people in many aspects, and as such, it is high time for the importance of Copyright to be made known in the society, educating the people and creating awareness campaigns can be seen as a necessity in this aspect. If the people, government, and even NGOs, to a certain extent, all remain blind to these matters for too long, it could severely hamper and dampen the development of the state itself. Hence, the importance of spreading awareness on Copyright needs to be stressed upon again and again.

Observations

With the rapid advancement in Science and Technology, it can be foretold that intellectual property law will play a larger role in the everyday lives. As time passes, the lifestyle, manners and morals have begun to change and shift. While in

the past handiwork such as craftsmanship were seen as shameful, today it has re-established itself as having the potential for great success, and this has become an undeniable fact as well.

In addition to this, many young minds, with good grades and bright potential, also seem to appear as though they do not put Government work as their first choice for work as well. An example of this would be the fact that instead of depending on the government entirely for work, they appear to want to stand on their own footing and capabilities, entrepreneurship has risen greatly in recent years, and they come up with many creative ideas in this manner. These ideas are then turned into valuable products, which are bought by people, in this manner the importance of creative minds shines through in society.

Those who have talents in the arts and crafts are finding that they have no time to have idle hands and are making good use of their talents. The societal standard of helping out one's neighbours has begun to pass and as such, those with talents in the arts and crafts have begun to be able to be paid for their crafts and receive wages for them as well. Having talent in the creative field has begun to shine as something rare and incredible that is not in the possession of just anyone, as its worth has begun to have renown, those who have these talents are finally able to reap the benefits from the seed that they have sown.

At the same time, it is irrefutable that these advancements also lead to moral corruption. The works of people made through sweat and hard work have been stolen and manhandled without care of whether it is right or wrong, and such cases have become rather prevalent. Some may even be speculated that they are completely unaware of the illegality of such acts. While on one hand, there are laws to protect creative works of the people, there is no proper utilisation of such laws. Unquestionably, the Mizo community is currently going through a challenging and intense transformational period, the apex of which is slowly approaching.

The works of artists and writers, the infringement of which, whether on a small or large scale, has been frequently. However, knowledge on copyright law is still in its infancy, and the government and NGOs alike are not aware on the subject

matter as well, which is the root cause of why the copyright laws cannot be fully and properly utilised as they should be. This is a very serious matter and a solution should be found with haste as this is a matter that can shake the State's economy. It is past the time for the government and those in power need to address the problem with haste, considering the severity of the issue.

However, a disheartening fact in this matter is that, while advancements in Intellectual property are swiftly being made, and the importance of Copyright is being made known to the people, the one who should be taking charge and placing emphasis on the matter the most, the government seems to not be taking any action in this aspect. It is an undeniable fact that the government is lacking in taking initiative for the advancement of Intellectual property and the protection of Copyright. It is more than past the time for those working in these departments to be upgraded and exalted.

As such is the situation in recent times, the importance of having properly drawn-out agreements between book writers, publishers, co-publishers, and everything in between, has made itself known more than ever before. The time has come for the fact that simply letting things slide and allowing for easy replication or republication of works, and the fact that simply writing 'Copyright Reserved' on the inside of the cover of books does not constitute as proper or enough protection of works, to be made known and well established in minds. If not, there exists the fear that may face much worse repercussions than before. It would be a very good step forward if everyone reminded themselves that it is time to be more watchful and conscious, both as individuals and as a group.

The Mizo people have been observed to be obedient in matters of the law in the past. As such is the case, it is inherently evident that if enough and proper awareness is given on the subject matter, Copyright laws would be followed and cases of copyright infringement would be drastically reduce or lessen as well. It appears as though the largest reason as to why there is an overwhelming abundance of copyright infringement within the society, lies in the fact that the people are generally unaware of the fact that actions that lead to infringement constitute as a

crime. From a certain point of view, these actions are not inherently villainous as they come from a place of ignorance rather than cruelty.

As such is the current situation within the Mizo community, the need for Copyright awareness campaigns to be held at a larger and grander scale makes itself clear, more so than ever before. In addition to giving those working under the respective departments proper training, the importance of making the people themselves more aware of the topic through education, as well as through social media and print media, needs to be continuously stressed upon as well.

However, on the topic of Copyright awareness campaigns, a thought that inevitably comes to mind is the dilemma of whether or not copyright laws are compatible with the lifestyle of the Mizo community. The reason for this lies in the fact that the Mizo community is still young and constantly going through rapid changes and development, especially in the department of literature. If copyright laws are strictly implemented while this literary revolution is taking place, there is the possibility that this would hinder any and all advancements in the field. This period in time can be stated to be a transitional period, wherein inspiration is taken from other's works, hence there needs to be careful consideration as to how both movements can co-exist without clashing or disrupting with one another.

As long as it is the Government that is taking charge in making steps in the advancements of Intellectual property, it is clear that it could be beneficial to the Mizo society's overall development. Mizo people in general, are fast learners and good craftsmen, if they are given ample opportunity, they are capable of having new and innovating ideas. Hence, the importance for adapting Copyright laws to accommodate to Mizo society norms & practices makes itself known again. Furthermore, if NGOs and government bodies put their minds to developing these interests in ways that could benefit the masses, it is to be believed that intellectual property could have a massive bloom in the society.

Aside from all these, another vital step is proper education in these matters. Other countries in the world which are seen as prestigious and advanced all appear to be countries in which entrepreneurship is active and respected. Successful

entrepreneurs especially, all appear to have high positions in society as well. They are considered to be both outstanding people, and successful financially. They appear to be role models for many young children and teenagers alike.

In such countries, there is no special requirement for awareness on Intellectual Property laws to be spread as they are considered to be common knowledge there. The youth all try to have creative outlets that they can pour their minds and efforts into. They are not ashamed of this kind of labour, they are hardworking, they do not discriminate between high-ranking jobs and low-ranking jobs, in whatever career path they decide to go down in, they are only concerned about whether it suits them and their interests or not. They carefully seek out their talents and work in whichever career path that allows for them to pursue them. In the end, success inevitably tends to follow them as well.

Like in these developed countries, it is important for the youth of Mizoram to learn from their mind-set, and active steps should be taken in order for this to bear fruit, even if they were to claim this as a top priority, they would not be necessarily wrong. As stated earlier, providing for proper education is highly important. As Mizo people are generally fast learners and obedient in education, if they were to alter their mind-set and influence their interests in a manner that would make for the exploration of their creative talents, they would naturally branch out onto aspects of Intellectual property, which would in turn decrease copyright infringement in the society as well.

Limitations of the Study

The study relies on interviews and surveys from only 60 Respondents (30 creators and 30 legal/enforcement professionals), which may not fully represent the diverse perspectives within the Mizo community. The study focuses exclusively on Mizoram, which limits the generalizability of findings to other tribal or indigenous communities in India or globally. It is a cross-sectional study, meaning it captures awareness and enforcement issues at a single point in time rather than tracking

changes over years. In fact, lack of government data on copyright enforcement in Mizoram, making it difficult to assess the actual scale of infringement.

While the study provides valuable insights into copyright awareness and infringement in Mizoram, these limitations suggest that further research with a larger representative sample and longitudinal analysis could strengthen findings. Additionally, comparative studies with other tribal regions and deeper policy evaluations would enhance the understanding of copyright enforcement challenges in indigenous communities.

Suggested Areas for Further Studies

If this Copyright law were to be closely examined, it can be seen that there are areas that severely conflict with the norms and practices of Mizo society. A clear example of this lies in the fact that in matters of literary advancement, they are yet in the process of learning from others and taking inspiration from them. As such, strict implementation of the copyright protection principle, nevertheless, is likely to hinder the general economic and cultural advancement of Mizo society. This clearly shows that the copyright laws need to be modified to accommodate the social context of the Mizo people.

At this juncture, it is pertinent to point out that Art.371G of the Indian Constitution gives a lot of liberty to Mizoram for the protection of their culture and religion. Laws made by the Parliament, if found to interfere with their culture or religious matters, can be made to be unusable within the state itself. An additional aspect to such is the fact that Central laws can be amended to adapt to the norms and practices of the Mizo society.¹⁰⁹

The challenges faced by the Mizo creative community are not unique but resonate with indigenous populations worldwide who navigate the interface of customary knowledge systems and statutory intellectual property regimes. Comparative models from other indigenous contexts offer valuable insights for crafting a *sui generis* approach for Mizoram.

¹⁰⁹ The State of Mizoram Adaptation of Laws Order (No.2) 1987

For instance, the Māori of New Zealand have long advocated for the protection of taonga (treasures) through mechanisms that recognize collective, intergenerational ownership, challenging the Western IP model's emphasis on individual, time-bound rights—a tension directly mirroring the Mizo community's traditional aversion to possessive individualism. Similarly, First Nations in Canada and Australia have developed community-based protocols and Traditional Knowledge (TK) labels to govern the use of cultural expressions, suggesting a potential pathway for Mizo communities to manage rights over artistic works like the puan or folk narratives without relying solely on top-down legal enforcement.

These international experiences underscore that the solution for Mizoram lies not merely in stricter enforcement of the existing Copyright Act, but in leveraging the special provisions of Article 371G to develop a culturally-nuanced legal framework. Such a framework would balance the need to protect individual economic rights and incentivize creation with the preservation of the Mizo community's collaborative ethos and rich cultural heritage, aligning local reform with a growing global movement for indigenous intellectual property rights.

Considering the same, the best manner in which to protect the Mizo society norms and practices without disturbance can undoubtedly be stated to be this Art.371G and utilizing the law that stems from it being the 'State of Mizoram Act, 1986'. To utilise these laws to the maximum capacity, the Copyright Act, 1957 should not simply be followed as they are but rather be firstly amended to adapt to Mizo society as per the special provision stated under Art.371G of the Indian constitution. As such, to adapt these laws, further studies could be done in the concerned area.

Conclusion

The findings of this study underscore the urgent need for copyright law awareness and reform within the Mizo community. Despite the robust legal framework provided by the Copyright Act, 1957, Mizoram faces significant challenges in enforcement, public awareness, and cultural adaptation of intellectual property rights. The research reveals that copyright infringement is deeply ingrained

in the Mizo society, manifesting in unauthorized reproductions, digital piracy, and exploitative licensing practices. The lack of specialized legal infrastructure, inadequate government initiatives, and low public awareness further exacerbate the problem.

The study highlights that Mizo creators - writers, musicians, and artist are disproportionately affected by infringement, yet legal recourse remains underutilized due to financial constraints and procedural complexities. While the state has established bodies like the Patent Information Center and Cyber Crime Police Station, their effectiveness is hampered by insufficient funding, lack of expertise, and weak enforcement mechanisms. Moreover, the absence of a culturally adapted copyright framework means that existing laws often clash with Mizo traditions, particularly in communal knowledge-sharing and artistic inspiration.

Recommendations

The study recommended the following points:

1. The Mizoram Legislative Assembly should leverage Article 371G to amend the Copyright Act, ensuring it aligns with Mizo customary practices while protecting creators' rights.
2. A State-specific Copyright Policy should be drafted, balancing strict IP protections with the community's collaborative cultural ethos.
3. A dedicated Intellectual Property (IP) Cell should be established within the Mizoram Police, equipped with trained personnel to handle digital and traditional copyright violations.
4. Fast- Track Courts should be introduced for copyright disputes to ensure timely justice for affected creators.

5. State-wide copyright literacy campaigns should be launched through schools, colleges, and media platforms to educate the public on intellectual property rights.
6. Copyright law modules should be integrated into academic curricula to foster early awareness among students.
7. Legal aid and subsidized copyright registration should be provided for artists, writers, and musicians to encourage formal protection of their works.
8. Collective copyright societies should be encouraged to help creators manage licensing and royalties effectively.
9. Digital monitoring tools should be enhanced to combat online piracy, particularly on social media platforms like Facebook and WhatsApp.
10. The Patent Information Center should be upgraded into a full-fledged Directorate of Intellectual Property with trained IP professionals.

The profound need for copyright awareness in Mizoram is not just a legal issue but a socio-economic imperative. Without decisive action, unchecked infringement will continue to stifle creativity, discourage innovation, and deprive artists of their rightful earnings. However, if the government, legal institutions, and civil society collaborate to implement culturally sensitive reforms, robust enforcement, and mass education, Mizoram can transform into a hub of protected creativity and sustainable artistic growth.



THE COPYRIGHT ACT, 1957

(14 OF 1957)

THE COPYRIGHT ACT, 1957

ACT NO. 14 OF 1957¹

[4th June, 1957]

An Act to amend and consolidate the law relating to copyright.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Copyright Act, 1957.

(2) It extends to the whole of India.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

2. Interpretation.— In this Act, unless the context otherwise requires,—

(a) “adaptation” means,—

(i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;

(ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;

(iii) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical;³[***]

(iv) in relation to a musical work, any arrangement or transcription of the work; ⁴[and]

⁴[(v) in relation to any work, any use of such work involving its rearrangement or alteration;]

⁵[(aa) “Appellate Board” means the Appellate Board referred to in section 11;]

(b) ⁵["work of architecture"] means any building or structure having an artistic character or

¹ The Act has been extended to Goa, Daman and Diu by Reg. 12 of 1962, sec. 3 and Schedule; to Dadra and Nagar Haveli by Reg. 6 of 1963, sec. 2 and the First Schedule; to Pondicherry by Reg. 7 of 1963, sec. 3 and the First Schedule; and brought into force in the State of Sikkim (w.e.f. 27-4-1979) : vide notification No. S.O. 226(E), dated 27-4-1979, see Gazette of India, Extraordinary, Part II, sec. 3(ii), p.430.

² Came into force on 21st January, 1958, vide S.R.O No. 269, dated 21st January 1958, see Gazette of India, Extraordinary, Part II, sec. 3, p.167.

³ The word “and” omitted by Act 38 of 1994, s. 2 (w.e.f. 10-5-1995).

⁴ Ins. by s. 2, *ibid.* (w.e.f. 10-5-1995).

⁵ Subs. by s.2, *ibid.* for “architectural work of art” (w.e.f. 10-5-1995).

design, or any model for such building or structure;

(c) “artistic work” means,—

(i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;

(ii) a ¹[work of architecture]; and

(iii) any other work of artistic craftsmanship;

(d) “author” means, —

(i) in relation to a literary or dramatic work, the author of the work;

(ii) in relation to a musical work, the composer;

(iii) in relation to an artistic work other than a photograph, the artist;

(iv) in relation to a photograph, the person taking the photograph;

²[(v) in relation to a cinematograph film or sound recording, the producer; and

(vi) in relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created;]

³[(dd) “broadcast” means communication to the public—

(i) by any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images; or

(ii) by wire,

and includes a re-broadcast;]

(e) “calendar year” means the year commencing on the 1st day of January;

⁴[(f) “cinematograph film” means any work of visual recording ⁵[***] and includes a sound recording accompanying such visual recording and “cinematograph” shall be construed as including any work produced by any process analogous to cinematography including video films;]

⁶[(fa) “commercial rental” does not include the rental, lease or lending of a lawfully acquired copy of a computer programme, sound recording, visual recording or cinematograph film for non-profit purposes by a non-profit library or non-profit educational institution;

Explanation.— For the purposes of this clause, a “non-profit library or non-profit educational institution” means a library or educational institution which receives grants from the Government or exempted from payment of tax under the Income-tax Act, 1961(43 of 1961).]

¹ Subs. by Act 38 of 1994, s. 2, for “architectural work of art” (w.e.f. 10-5-1995).

² Subs. by Act 38 of 1994, s. 2, for sub-clauses (v) and (vi) (w.e.f. 10-5-1995).

³ Ins. by Act 23 of 1983, s. 3 (w.e.f. 9-8-1984).

⁴ Subs. by Act 38 of 1994, s. 2, for clause (f) (w.e.f. 10-5-1995).

⁵ The words “on any medium produced through a process from which a moving image may be produced by any means” omitted by Act 27 of 2012, s. 2(i) (w.e.f. 21-6-2012).

⁶ Ins. by s. 2(ii), *ibid.* (w.e.f. 21-6-2012).

¹[(ff) “communication to the public” means making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available.

Explanation.— For the purposes of this clause, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public;]

(ffa) “composer”, in relation to a musical work, means the person who composes the music regardless of whether he records it in any form of graphical notation;

(ffb) “computer” includes any electronic or similar device having information processing capabilities;

(ffc) “computer programme” means a set of instructions expressed in words, codes, schemes or in any other form, including a machine readable medium, capable of causing a computer to perform a particular task or achieve a particular result;

(ffd) “copyright society” means a society registered under sub-section (3) of section 33;]

(g) “delivery”, in relation to a lecture, includes delivery by means of any mechanical instrument or by ²[broadcast];

(h) “dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting, form of which is fixed in writing or otherwise but does not include a cinematograph film;

³[(hh) “duplicating equipment” means any mechanical contrivance or device used or intended to be used for making copies of any work;]

(i) “engravings” include etchings, lithographs, wood-cuts, prints and other similar works, not being photographs;

(j) “exclusive licence” means a licence which confers on the licensee or on the licensee and persons authorised by him, to the exclusion of all other persons (including the owner of the copyright) any right comprised in the copyright in a work, and “exclusive licensee” shall be construed accordingly;

(k) “Government work” means a work which is made or published by or under the direction or control of—

(i) the Government or any department of the Government;

(ii) any Legislature in India;

(iii) any court, tribunal or other judicial authority in India;

¹ Subs. by Act 27 of 2012, s. 2(iii), for clause (ff) (w.e.f. 21-6-2012).

² Subs. by Act 23 of 1983, s. 2, for “radio-diffusion” (w.e.f. 9-8-1984).

³ Ins. by Act 65 of 1984, s. 2 (w.e.f. 8-10-1984).

¹[(l) “Indian work” means a literary, dramatic or musical work,—

- (i) the author of which is a citizen of India; or
- (ii) which is first published in India; or
- (iii) the author of which, in the case of an unpublished work, is, at the time of the making of the work, a citizen of India;]

²[(m) “infringing copy” means—

- (i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematographic film;
- (ii) in relation to a cinematographic film, a copy of the film made on any medium by any means;
- (iii) in relation to a sound recording, any other recording embodying the same sound recording, made by any means;
- (iv) in relation to a programme or performance in which such a broadcast reproduction right or a performer’s right subsists under the provisions of this Act, the sound recording or a cinematographic film of such programme or performance,
if such reproduction, copy or sound recording is made or imported in contravention of the provisions of this Act;]

(n) “lecture” includes address, speech and sermon;

³[(o) “literary work” includes computer programmes, tables and compilations including computer
⁴[databases];]

³[(p) “musical work” means a work consisting of music and includes any graphical notation of such work but does not include any words or any action intended to be sung, spoken or performed with the music;]

³[(q) “performance”, in relation to performer’s right, means any visual or acoustic presentation made live by one or more performers;]

³[(qq) “performer” includes an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecture or any other person who makes a performance;]

⁵[Provided that in a cinematograph film a person whose performance is casual or incidental in nature and, in the normal course of the practice of the industry, is not acknowledged anywhere including in the credits of the film shall not be treated as a performer except for the purpose of clause (b) of Section 38B;]

⁶[***]

(s) “photograph” includes photo-lithograph and any work produced by any process analogous to photography

¹ Subs. by Act 23 of 1983, s. 3, for clause (l) (w.e.f. 9-8-1984).

² Subs. by Act 38 of 1994, s. 2, for clause (m) (w.e.f. 10-5-1995).

³ Subs. by s. 2, *ibid.* (w.e.f. 10-5-1995).

⁴ Subs. by Act 49 of 1999, s. 2, for “data basis” (w.e.f. 15-1-2000).

⁵ Ins. By Act 27 of 2012, sec. 2(iv) (w.e.f. 21-6-2012, vide S.O. 1393(E), dated 20th June, 2012)

⁶ Omitted clause (r) by Act 38 of 1994, s. 2, *ibid.* (w.e.f. 10-5-1995).

but does not include any part of a cinematograph film;

- (t) “plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative,¹[duplicating equipment] or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which²[sound recording] for the acoustic presentation of the work are or are intended to be made;

(u) “prescribed” means prescribed by rules made under this Act;

- ³[(uu) “producer”, in relation to a cinematograph film or sound recording, means a person who takes the initiative and responsibility for making the work;]

⁴[***]

⁵[***]

⁶[(x) “reprography” means the making of copies of a work, by photocopying or similar means;

- ⁷[(xa) “Right Management Information” means,—

- (a) the title or other information identifying the work or performance;
 - (b) the name of the author or performer;
 - (c) the name and address of the owner of rights;
 - (d) terms and conditions regarding the use of the rights; and
 - (e) any number or code that represents the information referred to in sub-clauses (a) to (d),
- but does not include any device or procedure intended to identify the user.]

(xx) “sound recording” means a recording of sounds from which such sounds may be produced regardless of the medium on which such recording is made or the method by which the sounds are produced;]

⁸[(xxa) “visual recording” means the recording in any medium, by any method including the storing of it by any electronic means, of moving images or of the representations thereof, from which they can be perceived, reproduced or communicated by any method.]

(y) “work” means any of the following works, namely:—

- (i) a literary, dramatic, musical or artistic work;
- (ii) a cinematograph film;
- (iii) a²[sound recording];

(z) “work of joint authorship” means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors;

¹ Ins. by Act 65 of 1984, s. 2 (w.e.f. 8-10-1984).

² Subs. by Act 38 of 1994, s. 2, for “record” (w.e.f. 10-5-1995).

³ Ins. by s. 2, *ibid.* (10-5-1995).

⁴ Omitted clause (v) by Act 23 of 1983, s. 2 (w.e.f. 9-8-1984).

⁵ Omitted clause (w) by Act 38 of 1994, s. 2 (w.e.f. 10-5-1995).

⁶ Subs. by s. 2, *ibid.*, for clause (x) (w.e.f. 10-5-1995).

⁷ Ins. by Act 27 of 2012, s. 2(v) (w.e.f. 21-6-2012).

⁸ Ins. by s. 2(vi), *ibid.* (w.e.f. 21-6-2012).

(za) “work of sculpture” includes casts and models.

¹[3. **Meaning of publication.**— For the purposes of this Act, “publication” means making a work available to the public by issue of copies or by communicating the work to the public.]

4. When work not deemed to be published or performed in public.— Except in relation to infringement of copyright, a work shall not be deemed to be published or performed in public, if published, or performed in public, without the licence of the owner of the copyright.

5. When work deemed to be first published in India.— For the purposes of this Act, a work published in India shall be deemed to be first published in India, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work shall be deemed to be published simultaneously in India and in another country if the time between the publication in India and the publication in such other country does not exceed thirty days or such other period as the Central Government may, in relation to any specified country, determine.

²[6. **Certain disputes to be decided by** ³[Appellate Board].— If any question arises—

- (a) whether a work has been published or as to the date on which a work was published for the purposes of Chapter V, or
- (b) whether the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Act,

it shall be referred to the ⁴[Appellate Board] constituted under section 11 whose decision thereon shall be final:

Provided that if in the opinion of the ⁴[Appellate Board], the issue of copies or communication to the public referred to in section 3 was of an insignificant nature, it shall not be deemed to be publication for the purposes of that section.]

7. Nationality of author where the making of unpublished work is extended over considerable period.— Where, in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall, for the purposes of this Act, be deemed to be a citizen of, or domiciled in, that country of which he was a citizen or wherein he was domiciled during any substantial part of that period.

8. Domicile of corporations.— For the purposes of this Act, a body corporate shall be deemed to be domiciled in India if it is incorporated under any law in force in India.

CHAPTER II COPYRIGHT OFFICE AND ³[APPELLATE BOARD]

9. Copyright Office.—(1) There shall be established for the purposes of this Act an office to be called the Copyright Office.

(2) The Copyright Office shall be under the immediate control of the Registrar of Copyrights who shall act

¹ Subs. by Act 38 of 1994, s. 3, for section 3 (w.e.f. 10-5-1995).

² Subs. by Act 38 of 1994, s. 4, for section 6 (w.e.f. 10-5-1995).

³ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

under the superintendence and direction of the Central Government.

(3) There shall be a seal for the Copyright Office.

10. Registrar and Deputy Registrar of Copyrights.—(1) The Central Government shall appoint a Registrar of Copyrights and may appoint one or more Deputy Registrars of Copyrights.

(2) A Deputy Registrar of Copyrights shall discharge under the superintendence and direction of the Registrar of Copyrights such functions of the Registrar under this Act as the Registrar may, from time to time, assign to him; and any reference in this Act to the Registrar of Copyrights shall include a reference to a Deputy Registrar of Copyrights when so discharging any such functions.

¹[11. Appellate Board.]—(1) The Appellate Board established under section 83 of the Trade Marks Act, 1999 (47 of 1999) shall, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017 (7 of 2017), be the Appellate Board for the purposes of this Act and the said Appellate Board shall exercise the jurisdiction, powers and authority conferred on it by or under this Act.]

12. Powers and procedure of ²[Appellate Board].— (1) The ¹[Appellate Board] shall, subject to any rules that may be made under this Act, have power to regulate its own procedure, including the fixing of places and times of its sittings:

Provided that the ¹[Appellate Board] shall ordinarily hear any proceeding instituted before it under this Act within the zone in which, at the time of the institution of the proceeding, the person instituting the proceeding actually and voluntarily resides or carries on business or personally works for gain.

Explanation.— In this sub-section “zone” means a zone specified in section 15 of the States Reorganisation Act, 1956 (37 of 1956).

(2) The ¹[Appellate Board] may exercise and discharge its powers and functions through Benches constituted by the Chairman of the ¹[Appellate Board] from amongst its ³[members]:

⁴[Provided that, if the Chairman is of opinion that any matter of importance is required to be heard by a larger bench, he may refer the matter to a special bench consisting of five members.]

⁵[***]

(5) No member of the ²[Appellate Board] shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.

(6) No act done or proceeding taken by the ²[Appellate Board] under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

(7) The ²[Appellate Board] shall be deemed to be a civil court for the purposes of ⁶[sections 345 and 346 of the Code of Criminal Procedure, 1973] and all proceedings before the Board shall be deemed to be judicial

¹ Subs. by Act 7 of 2017, s.160 (c), for s. 11(w.e.f. 26-5-2017)

² Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

³ Subs. by Act 27 of 2012, s. 4, for “members, each Bench consisting of not less than three members” (w.e.f. 21-6-2012).

⁴ Ins. by Act 38 of 1994, s. 6 (w.e.f. 10-5-1995).

⁵ Sub-section (3) and (4) omitted by Act 7 of 2017, s.160 (d) (w.e.f. 26-5-2017).

⁶ Subs. by Act 23 of 1983, s. 6, for “sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)” (w.e.f. 9-8-1984).

proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

CHAPTER III COPYRIGHT

13. Works in which copyright subsists.— (1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,—

- (a) original literary, dramatic, musical and artistic works;
- (b) cinematograph films; and
- (c) ¹[sound recording].

(2) Copyright shall not subsist in any work specified in sub-section (1), other than a work to which the provisions of section 40 or section 41 apply, unless,—

- (i) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;
- (ii) in the case of an unpublished work other than a ²[work of architecture], the author is at the date of the making of the work a citizen of India or domiciled in India; and
- (iii) in the case of ²[work of architecture], the work is located in India.

Explanation.— In the case of a work of joint authorship, the conditions conferring copyright specified in this sub-section shall be satisfied by all the authors of the work.

(3) Copyright shall not subsist—

- (a) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;
 - (b) in any ¹[sound recording] made in respect of a literary, dramatic or musical work, if in making the ¹[sound recording], copyright in such work has been infringed.
- (4) The copyright in a cinematograph film or a ¹[sound recording] shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or, as the case may be, the ¹[sound recording] is made.
- (5) In the case of ²[work of architecture], copyright shall subsist only in the artistic character and design and shall not extend to processes or methods of construction.

³[14. Meaning of Copyright.]— For the purposes of this Act, “copyright” means the exclusive right subject to the provisions of this Act, to do or authorise the doing of any of the following acts in respect of a work or any substantial part thereof, namely:—

- (a) in the case of a literary, dramatic or musical work, not being a computer programme,—

¹ Subs. by Act 38 of 1994, s. 2, for “record” (w.e.f. 10-5-1995).

² Subs. by s. 2, *ibid.*, for “architectural work of art” (w.e.f. 10-5-1995).

³ Subs. by s. 7, *ibid.*, for section 14 (w.e.f. 10-5-1995).

- (i) to reproduce the work in any material form including the storing of it in any medium by electronic means;
 - (ii) to issue copies of the work to the public not being copies already in circulation;
 - (iii) to perform the work in public, or communicate it to the public;
 - (iv) to make any cinematograph film or sound recording in respect of the work;
 - (v) to make any translation of the work;
 - (vi) to make any adaptation of the work;
 - (vii) to do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi);
- (b) in the case of a computer programme,—
- (i) to do any of the acts specified in clause (a);
 - ¹[(ii) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme:
- Provided that such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.]
- (c) in the case of an artistic work,—
- ²[(i) to reproduce the work in any material form including—
- (A) the storing of it in any medium by electronic or other means; or
 - (B) depiction in three-dimensions of a two-dimensional work; or
 - (C) depiction in two-dimensions of a three-dimensional work;]
 - (ii) to communicate the work to the public;
 - (iii) to issue copies of the work to the public not being copies already in circulation;
 - (iv) to include the work in any cinematograph film;
 - (v) to make any adaptation of the work;
 - (vi) to do in relation to adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (iv);
- (d) in the case of a cinematograph film,—
- ³[(i) to make a copy of the film, including—
- (A) a photograph of any image forming part thereof; or
 - (B) storing of it in any medium by electronic or other means;]
 - ⁴[(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film;]

¹ Subs. by Act 49 of 1999, s. 3, for sub-clause (ii) (w.e.f. 15-1-2000).

² Subs. by Act 27 of 2012, s. 5(i), for sub-clause (i) (w.e.f. 21-6-2012).

³ Subs. by Act 27 of 2012, s. 5(ii)(a), for sub-clause (i) (w.e.f. 21-6-2012)

⁴ Subs. by Act 27 of 2012, s. 5(ii)(b), for sub-clause (ii) (w.e.f. 21-6-2012)

- (iii) to communicate the film to the public;
- (e) in the case of a sound recording,—
 - (i) to make any other sound recording embodying it ¹[including storing of it in any medium by electronic or other means];
 - ² [(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording;]
 - (iii) to communicate the sound recording to the public.

15. Special provision regarding Copyright in designs registered or capable of being registered under the ³[*] ⁴[Designs Act, 2000 (16 of 2000)].**— (1) Copyright shall not subsist under this Act in any design which is registered under the ³[***] ⁴[Designs Act, 2000 (16 of 2000)].

(2) Copyright in any design, which is capable of being registered under the ³[***] ⁴[Designs Act, 2000 (16 of 2000)] but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his licence, by any other person.

16. No copyright except as provided in this Act.— 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 provisions of this Act or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

CHAPTER IV OWNERSHIP OF COPYRIGHT AND RIGHTS OF THE OWNER

17. First owner of copyright.— Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that—

- (a) in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

¹ Ins. by Act 27 of 2012, s. 5(iii)(a), (w.e.f. 21-6-2012)

² Subs. by Act 27 of 2012, s. 5(iii)(b), for sub-clause (2) (w.e.f. 21-6-2012)

³ The words “Indian Patents and” omitted by Act 23 of 1983, s. 7 (w.e.f. 9-8-1984)

⁴ Subs. by Act 27 of 2012, s. 6, for “Designs Act, 1911 (2 of 1911)” (w.e.f. 21-6-2012)

- (b) subject to the provisions of clause (a), in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
- (c) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
- ¹[(cc) in the case of any address or speech delivered in public, the person who has delivered such address or speech or if such person has delivered such address or speech on behalf of any other person, such other person shall be the first owner of the copyright therein notwithstanding that the person who delivers such address or speech, or, as the case may be, the person on whose behalf such address or speech is delivered, is employed by any other person who arranges such address or speech or on whose behalf or premises such address or speech is delivered;]
- (d) in the case of a Government work, Government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
- ²[(dd) in the case of a work made or first published by or under the direction or control of any public undertaking, such public undertaking shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

Explanation.— For the purposes of this clause and section 28A, “public undertaking” means—

- (i) an undertaking owned or controlled by Government; or
- (ii) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956); or
- (iii) a body corporate established by or under any Central, Provincial or State Act;]
- (e) in the case of a work to which the provisions of section 41 apply, the international organization concerned shall be the first owner of the copyright therein.

³[Provided that in case of any work incorporated in a cinematograph work, nothing contained in clauses (b) and (c) shall affect the right of the author in the work referred to in clause (a) of sub-section (1) of section 13.]

18. Assignment of copyright.— (1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof:

Provided that in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence.

¹ Ins. by Act 23 of 1983, s. 8(a) (w.e.f. 9-8-1984).

² Ins. by Act 23 of 1983, s. 8(b) (w.e.f. 9-8-1984).

³ Ins. by Act 27 of 2012, s. 7 (w.e.f. 21-6-2012).

¹[Provided further that no such assignment shall be applied to any medium or mode of exploitation of the work which did not exist or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work:

Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilization of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copyright society for collection and distribution and any agreement to contrary shall be void:

Provided also that the author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilization of such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void.]

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of copyright and the provisions of this Act shall have effect accordingly.

(3) In this section, the expression “assignee” as respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

19. Mode of assignment.—²[(1)] No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorised agent.

³[(2) The assignment of copyright in any work shall identify such work, and shall specify the rights assigned and the duration and territorial extent of such assignment.

(3) The assignment of copyright in any work shall also specify the amount of ⁴[royalty and any other consideration payable], to the author or his legal heirs during the currency of the assignment and the assignment shall be subject to revision, extension or termination on terms mutually agreed upon by the parties.

(4) Where the assignee does not exercise the rights assigned to him under any of the other sub-sections of this section within a period of one year from the date of assignment, the assignment in respect of such rights shall be deemed to have lapsed after the expiry of the said period unless otherwise specified in the assignment.

(5) If the period of assignment is not stated, it shall be deemed to be five years from the date of assignment.

(6) If the territorial extent of assignment of the rights is not specified, it shall be presumed to extend within India.

(7) Nothing in sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) or sub-section (6) shall

¹ Ins. by Act 27 of 2012, s. 8 (w.e.f. 21-6-2012)

² Section 19 re-numbered as sub-section (1) thereof by Act 23 of 1983, s. 9 (w.e.f. 9-8-1984).

³ Subs. by Act 38 of 1994, s. 8, for sub-section (2) (w.e.f. 10-5-1995).

⁴ Subs. by Act 27 of 2012, s. 9(i), for “royalty payable, if any” (w.e.f. 21-6-2012).

be applicable to assignments made before the coming into force of the Copyright (Amendment) Act, 1994 (38 of 1994)].

¹[(8) The assignment of copyright in any work contrary to the terms and conditions of the rights already assigned to a copyright society in which the author of the work is a member shall be void.]

¹[(9) No assignment of copyright in any work to make a cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilisation of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.]

¹[(10) No assignment of the copyright in any work to make a sound recording which does not form part of any cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable for any utilization of such work in any form.]

²[19A. Disputes with respect to assignment of copyright.— (1) If an assignee fails to make sufficient exercise of the rights assigned to him, and such failure is not attributable to any act or omission of the assignor, then, the ³[Appellate Board] may, on receipt of a complaint from the assignor and after holding such inquiry as it may deem necessary, revoke such assignment.

(2) If any dispute arises with respect to the assignment of any copyright, the ³[Appellate Board] may, on receipt of a complaint from the aggrieved party and after holding such inquiry as it considers necessary, pass such order as it may deem fit including an order for the recovery of any royalty payable:

Provided that the ³[Appellate Board] shall not pass any order under this sub-section to revoke the assignment unless it is satisfied that the terms of assignment are harsh to the assignor in case the assignor is also the author:

⁴[Provided further that, pending the disposal of an application for revocation of assignment under this sub-section, the ³[Appellate Board] may pass such order, as it deems fit regarding implementation of the terms and conditions of assignment including any consideration to be paid for the enjoyment of the rights assigned:

Provided also that] no order of revocation of assignment under this sub-section, shall be made within a period of five years from the date of such assignment.]

⁵[(3) Every complaint received under sub-section (2) shall be dealt with by the ³[Appellate Board] as far as possible and efforts shall be made to pass the final order in the matter within a period of six months from the date of receipt of the complaint and any delay in compliance of the same, the ³[Appellate Board] shall record the reasons thereof.]

20. Transmission of copyright in manuscript by testamentary disposition.— Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work

¹ Ins. by Act 27 of 2012, s. 9(ii), (w.e.f. 21-6-2012).

² Subs. by Act 38 of 1994, s. 9, for section 19A (w.e.f. 10-5-1995).

³ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

⁴ Subs. by Act 27 of 2012, s. 10(i), for “Provided further that” (w.e.f. 21-6-2012).

⁵ Ins. by Act 27 of 2012, s. 10(ii) (w.e.f. 21-6-2012).

was not published before the death of the testator, the bequest shall, unless the contrary intention is indicated in the testator's Will or any codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

Explanation.— In this section, the expression “manuscript” means the original document embodying the work, whether written by hand or not.

21. Right of author to relinquish copyright.— (1) The author of a work may relinquish all or any of the rights comprised in the copyright in the work by giving notice in the prescribed form to ¹[the Registrar of Copyrights or by way of public notice] and thereupon such rights shall, subject to the provisions of sub-section (3), cease to exist from the date of the notice.

(2) On receipt of a notice under sub-section (1), the Registrar of Copyrights shall cause it to be published in the Official Gazette and in such other manner as he may deem fit.

²[(2A) The Registrar of Copyright shall, within fourteen days from the publication of the notice in the Official Gazette, post the notice on the official website of the Copyright Office so as to remain in the public domain for a period of not less than three years.]

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of the notice referred to in sub-section (1).

CHAPTER V TERM OF COPYRIGHT

22. Term of copyright in published literary, dramatic, musical and artistic works.— Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work ³[***] published within the lifetime of the author until ⁴[sixty years] from the beginning of the calendar year next following the year in which the author dies.

Explanation.— In this section the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

23. Term of copyright in anonymous and pseudonymous works.— (1) In the case of literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until ⁵[sixty years] from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall

¹ Subs. by Act 27 of 2012, s. 11(i), for “the Registrar of Copyright” (w.e.f. 21-6-2012).

² Ins. by s. 11(ii), *ibid.* (w.e.f. 21-6-2012).

³ The words “(other than a photograph)” omitted by Act 27 of 2012 s. 12, (w.e.f. 21-6-2012).

⁴ Subs. by Act 13 of 1992, s. 2, for “fifty years” (w.e.f. 28-10-1991).

⁵ Subs. by Act 13 of 1992, s. 2, for “fifty years” (w.e.f. 28-10-1991).

subsist until ¹[sixty years] from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed,—

- (a) where the identity of one of the authors is disclosed, as references to that author;
- (b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonyms work of joint authorship, be construed,—

- (a) where the names of one or more (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such of those authors who dies last;
- (b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and
- (c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or if the identity of two or more of such authors is disclosed, as references to such of those authors who dies last.

Explanation.— For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the ²[Appellate Board] by that author.

24. Term of copyright in posthumous work.— (1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author or, in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until ¹[sixty years] from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any ³[sound recording] made in respect of the work have been sold to the public or have been offered for sale to the public.

¹ Subs. by Act 13 of 1992, s. 2, for “fifty years” (w.e.f. 28-10-1991).

² Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

³ Subs. by Act 38 of 1994, s. 2, for “record” (w.e.f. 10-5-1995).

¹[25. **Term of copyright in photographs.** — *Omitted by the Copyright (Amendment) Act, 2012 (27 of 2012), s. 13 (w.e.f. 21-6-2012).*

26. Term of copyright in cinematograph films.— In the case of a cinematograph film, copyright shall subsist until ²[sixty years] from the beginning of the calendar year next following the year in which the film is published.

27. Term of copyright in sound recording.— In the case of a ³[sound recording] copyright shall subsist until ²[sixty years] from the beginning of the calendar year next following the year in which the ³[sound recording] is published.

28. Term of copyright in Government works.— In the case of a Government work, where Government is the first owner of the copyright therein, copyright shall subsist until ²[sixty years] from the beginning of the calendar year next following the year in which the work is first published.

⁴[**28A. Term of copyright in works of public undertakings.**— In the case of a work, where a public undertaking is the first owner of the copyright therein, copyright shall subsist until ²[sixty years] from the beginning of the calendar year next following the year in which the work is first published.]

29. Term of copyright in works of international organisations.— In the case of a work of an international organisation to which the provisions of section 41 apply, copyright shall subsist until ²[sixty years] from the beginning of the calendar year next following the year in which the work is first published.

CHAPTER VI LICENCES

30. Licences by owners of copyright.— The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by licence in ⁵[writing by him] or by his duly authorised agent:

Provided that in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

Explanation.— Where a person to whom a licence relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

⁶[**30A. Application of ⁷[section 19].**— The provisions of ⁷[sections 19] shall, with any necessary adaptations and modifications, apply in relation to a licence under section 30 as they apply in relation to assignment of

¹ Omitted by Act 27 of 2012 (w.e.f. 21-6-2012).

² Subs. by Act 13 of 1992, s. 2, for “fifty years” (w.e.f. 28-10-1991).

³ Subs. by Act 38 of 1994, s. 2, for “record” (w.e.f. 10-5-1995).

⁴ Ins. by Act 23 of 1983, s. 11 (w.e.f. 9-8-1984).

⁵ Subs. by Act 27 of 2012, s. 14, for “writing signed by him” (w.e.f. 21-6-2012).

⁶ Ins. by Act 38 of 1994, s. 10 (w.e.f. 10-5-1995).

⁷ Subs. by Act 27 of 2012, s. 15, for “section 19 and 19A” (w.e.f. 21-6-2012).

copyright in a work.]

31. Compulsory licence in works withheld from public.— (1) If at any time during the term of copyright in ¹[any work] which has been published or performed in public, a complaint is made to the ²[Appellate Board] that the owner of copyright in the work—

- (a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or
- (b) has refused to allow communication to the public by ³[broadcast] of such work or in the case of a ⁴[sound recording] the work recorded in such ⁴[sound recording], on terms which the complainant considers reasonable;

the ²[Appellate Board], after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by ³[broadcast], as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the ²[Appellate Board] may determine; and thereupon the Registrar of Copyrights shall grant the ⁵[licence to such person or persons who, in the opinion of the ²[Appellate Board], is or are qualified to do so] in accordance with the directions of the ²[Appellate Board], on payment of such fee as may be prescribed.

⁶[***]

⁷[***]

⁸[**31A. Compulsory licence in unpublished ⁹[or published works].**— ¹⁰[(1) Where, in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the ²[Appellate Board] for a licence to publish or communicate to the public such work or a translation thereof in any language.]

(2) Before making an application under sub-section (1), the applicant shall publish his proposal in one issue of a daily newspaper in the English language having circulation in the major part of the country and where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.

(3) Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued under sub-section (2) and such fee as may be prescribed.

¹ Subs. by Act 27 of 2012, s. 16(i)(a), for “any Indian work” (w.e.f. 21-6-2012).

² Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017)

³ Subs. by Act 23 of 1983, s. 2, for “radio-diffusion” (w.e.f. 9-8-1984).

⁴ Subs. by Act 38 of 1994, s. 2, for “record” (w.e.f. 10-5-1995).

⁵ Subs. by Act 27 of 2012, s. 16(i)(b), for “licence to the complainant” (w.e.f. 21-6-2012).

⁶ The Explanation omitted by s. 16(i)(c), *ibid.* (w.e.f. 21-6-2012).

⁷ Sub-section (2) omitted by Act 27 of 2012, s. 16(ii) (w.e.f. 21-6-2012).

⁸ Ins. by Act 23 of 1983, s. 12 (w.e.f. 9-8-1984).

⁹ Subs. by Act 27 of 2012, s. 17(i), for “Indian works” (w.e.f. 21-6-2012).

¹⁰ Subs. by s. 17(ii), *ibid.*, for sub-section (1) (w.e.f. 21-6-2012).

(4) Where an application is made to the ¹[Appellate Board] under this section, it may, after holding such inquiry as may be prescribed, direct the Registrar of Copyrights to grant to the applicant a licence to publish the work or a translation thereof in the language mentioned in the application subject to the payment of such royalty and subject to such other terms and conditions as the ¹[Appellate Board] may determine, and thereupon the Registrar of Copyrights shall grant the licence to the applicant in accordance with the direction of the ¹[Appellate Board].

(5) Where a licence is granted under this section, the Registrar of Copyrights may, by order, direct the applicant to deposit the amount of the royalty determined by the ¹[Appellate Board] in the public account of India or in any other account specified by the ¹[Appellate Board] so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.

(6) Without prejudice to the foregoing provisions of this section, in the case of a work referred to in sub-section (1), if the original author is dead, the Central Government may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.

(7) Where any work is not published within the period specified by the Central Government under sub-section (6), the ¹[Appellate Board] may, on an application made by any person for permission to publish the work and after hearing the parties concerned, permit such publication on payment of such royalty as the ¹[Appellate Board] may, in the circumstances of such case, determine in the prescribed manner.]

²[31B. Compulsory licence for benefit of disabled.— (1) Any person working for the benefit of persons with disability on a profit basis or for business may apply to the ¹[Appellate Board], in such form and manner and accompanied by such fee as may be prescribed, for a compulsory licence to publish any work in which copyright subsists for the benefit of such persons, in a case to which clause (zb) of sub-section (1) of section 52 does not apply and the ¹[Appellate Board] shall dispose of such application as expeditiously as possible and endeavour shall be made to dispose of such application within a period of two months from the date of receipt of the application.

(2) The ¹[Appellate Board] may, on receipt of an application under sub-section (1), inquire, or direct such inquiry as it considers necessary to establish the credentials of the applicant and satisfy itself that the application has been made in good faith.

(3) If the ¹[Appellate Board] is satisfied, after giving to the owners of rights in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, that a compulsory licence needs to be issued to make the work available to the disabled, it may direct the Registrar of Copyrights to grant to the applicant such a licence to publish the work.

¹ Subs. by Act 7 of 2017, s.160(a), for “Copyright Board” (w.e.f. 26-5-2017).

² Ins. by Act 27 of 2012, s. 18 (w.e.f. 21-6-2012).

(4) Every compulsory licence issued under this section shall specify the means and format of publication, the period during which the compulsory licence may be exercised and, in the case of issue of copies, the number of copies that may be issued including the rate or royalty:

Provided that where the ¹[Appellate Board] has issued such a compulsory licence it may, on a further application and after giving reasonable opportunity to the owners of rights, extend the period of such compulsory licence and allow the issue of more copies as it may deem fit.]

²[31C. Statutory licence for cover versions.— (1) Any person desirous of making a cover version, being a sound recording in respect of any literary, dramatic or musical work, where sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work, may do so subject to the provisions of this section:

Provided that such sound recordings shall be in the same medium as the last recording, unless the medium of the last recording is no longer in current commercial use.

(2) The person making the sound recordings shall give prior notice of his intention to make the sound recordings in the manner as may be prescribed, and provide in advance copies of all covers or labels with which the sound recordings are to be sold, and pay in advance, to the owner of rights in each work royalties in respect of all copies to be made by him, at the rate fixed by the ¹[Appellate Board] in this behalf:

Provided that such sound recordings shall not be sold or issued in any form of packaging or with any cover or label which is likely to mislead or confuse the public as to their identity, and in particular shall not contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which such sound recording was incorporated and, further, shall state on the cover that it is a cover version made under this section.

(3) The person making such sound recordings shall not make any alteration in the literary or musical work which has not been made previously by or with the consent of the owner of rights, or which is not technically necessary for the purpose of making the sound recordings:

Provided that such sound recordings shall not be made until the expiration of five calendar years after the end of the year in which the first sound recordings of the work was made.

(4) One royalty in respect of such sound recordings shall be paid for a minimum of fifty thousand copies of each work during each calendar year in which copies of it are made:

Provided that the ¹[Appellate Board] may, by general order, fix a lower minimum in respect of works in a

¹ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

² Ins. by Act 27 of 2012, s. 18 (w.e.f. 21-06-2012)

particular language or dialect having regard to the potential circulation of such works.

(5) The person making such sound recordings shall maintain such registers and books of account in respect thereof, including full details of existing stock as may be prescribed and shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording:

Provided that if on a complaint brought before the ¹[Appellate Board] to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this section, the ¹[Appellate Board] is, *prima facie*, satisfied that the complaint is genuine, it may pass an order *ex parte* directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty.

Explanation.— For the purposes of this section “cover version” means a sound recording made in accordance with this section.]

²[31D. Statutory licence for broadcasting of literary and musical works and sound recording.— (1) Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the ¹[Appellate Board].

(3) The rates of royalties for radio broadcasting shall be different from television broadcasting and the ¹[Appellate Board] shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (2), the ¹[Appellate Board] may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors and the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

(7) The broadcasting organisation shall—

- (a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and

¹ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

² Ins. by Act 27 of 2012, s. 18 (w.e.f. 21-06-2012)

(b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast, in such manner as may be prescribed.

(8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012.]

32. Licence to produce and publish translations.— (1) Any person may apply to the ¹[Appellate Board] for a licence to produce and publish a translation of a literary or dramatic work in any language ²[after a period of seven years from the first publication of the work].

³[(1A) Notwithstanding anything contained in sub-section (1), any person may apply to the ¹[Appellate Board] for a licence to produce and publish a translation, in printed or analogous forms of reproduction, of a literary or dramatic work, other than an Indian work, in any language in general use in India after a period of three years from the first publication of such work, if such translation is required for the purposes of teaching, scholarship or research:

Provided that where such translation is in a language not in general use in any developed country, such application may be made after a period of one year from such publication.]

(2) Every ⁴[application under this section] shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the ¹[Appellate Board] under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a translation of the work in the language mentioned in ⁵[the application—

(i) subject to the condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the ¹[Appellate Board] may, in the circumstances of each case, determine in the prescribed manner; and

(ii) where such licence is granted on an application under sub-section (1A), subject also to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India:

Provided that nothing in clause (ii) shall apply to the export by Government or any authority under the

¹ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

² Ins. by Act 27 of 2012, s. 18 (w.e.f. 21-6-2012)

³ Ins. by Act 23 of 1983, s. 13 (w.e.f. 9-8-1984).

⁴ Subs. by s. 13, *ibid.*, for “such application” (w.e.f. 9-8-1984).

⁵ Subs. by s. 13, *ibid.*, for certain words (w.e.f. 9-8-1984).

Government of copies of such translation in a language other than English, French or Spanish to any country if—

- 1) such copies are sent to citizens of India residing outside India or to any association of such citizens outside India; or
- 2) such copies are meant to be used for purposes of teaching, scholarship or research and not for any commercial purpose; and
- 3) in either case, the permission for such export has been given by the Government of that country:]

¹[Provided further that no licence under this section] shall be granted, unless—

- (a) a translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him, ²[within seven years or three years or one year, as the case may be, of the first publication of the work], or if a translation has been so published, it has been out of print;
- (b) the applicant has proved to the satisfaction of the ³[Appellate Board] that he had requested and had been denied authorisation by the owner of the copyright to produce and publish such translation, or that ⁴[he was, after due diligence on his part, unable to find] the owner of the copyright;
- (c) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for ⁵[such authorisation by registered air mail post to the publisher whose name appears from the work, and in the case of an application for a licence under sub-section (1)], not less than two months before ⁶[such application];

⁷[(cc) a period of six months in the case of an application under sub-section (1A) (not being an application under the proviso thereto), or nine months in the case of an application under the proviso to that sub-section, has elapsed from the date of making the request under clause (b) of this proviso or where a copy of the request has been sent under clause (c) of this proviso, from the date of sending of such copy, and the translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or nine months, as the case may be;

⁸[(ccc) in the case of any application made under sub-section (1A),—

- (i) the name of the author and the title of the particular edition of the work proposed to be translated are printed on all the copies of the translation;
- (ii) if the work is composed mainly of illustrations, the provisions of section 32A are also complied

¹ Subs. by Act 23 of 1983, s. 13, for “Provided that no such licence” (w.e.f. 9-8-1984).

² Subs. by s. 13, *ibid.*, for “within seven years of the first publication of the work” (w.e.f. 9-8-1984).

³ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

⁴ Subs. by Act 23 of 1983, s. 13,, for “he was unable to find” (w.e.f. 9-8-1984).

⁵ Subs. by s. 13, *ibid.*, for “such authorisation to the publisher whose name appears from the work” (w.e.f. 9-8-1984).

⁶ Subs. by s. 13, *ibid.*, for “the application for the licence” (w.e.f. 9-8-1984).

⁷ Ins. by s. 13, *ibid.* (w.e.f. 9-8-1984).

⁸ Ins. by s. 13, *ibid.* (w.e.f. 9-8-1984).

with;]

- (d) the ¹[Appellate Board] is satisfied that the applicant is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;
- (e) the author has not withdrawn from circulation copies of the work; and
- (f) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

²[(5) Any broadcasting authority may apply to the ¹[Appellate Board] for a licence to produce and publish the translation of—

- (a) a work referred to in sub-section (1A) and published in printed or analogous forms of reproduction; or
- (b) any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities,

for broadcasting such translation for the purposes of teaching or for the dissemination of the results of specialized, technical or scientific research to the experts in any particular field.

³[(6) The provisions of sub-sections (2) to (4) in so far as they are relatable to an application under sub-section (1A), shall, with the necessary modifications, apply to the grant of a licence under sub-section (5) and such licence shall not also be granted unless—

- (a) the translation is made from a work lawfully acquired;
- (b) the broadcast is made through the medium of sound and visual recordings;
- (c) such recording has been lawfully and exclusively made for the purpose of broadcasting in India by the applicant or by other broadcasting agency; and
- (d) the translation and the broadcasting of such translation are not used for any commercial purposes.

Explanation.— For the purposes of this section,—

- (a) “developed country” means a country which is not a developing country;
- (b) “developing country” means a country which is for the time being regarded as such in conformity with the practice of the General Assembly of the United Nations;

¹ Subs. by Act 7 of 2017, s.160, for “Copyright Board” (w.e.f. 26-5-2017).

² Ins. by Act 23 of 1983, s. 13, (w.e.f. 9-8-1984).

³ Ins. by Act 23 of 1983, s.13(e) (w.e.f. 9-8-1984)

- (c) “purposes of research” does not include purposes of industrial research, or purposes of research by bodies corporate (not being bodies corporate owned or controlled by Government) or other associations or body of persons for commercial purposes;
- (d) “purposes of teaching, research or scholarship” includes—
 - (i) purposes of instructional activity at all levels in educational, institutions, including Schools, Colleges, Universities and tutorial institutions; and
 - (ii) purposes of all other types of organised educational activity.]

¹[32A. Licence to reproduce and publish works for certain purposes.— (1) Where, after the expiration of the relevant period from the date of the first publication of an edition of a literary, scientific or artistic work,—

- (a) the copies of such edition are not made available in India; or
- (b) such copies have not been put on sale in India for a period of six months,

to the general public, or in connection with systematic instructional activities at a price reasonably related to that normally charged in India for comparable works by the owner of the right of reproduction or by any person authorised by him in this behalf, any person may apply to the ²[Appellate Board] for a licence to reproduce and publish such work in printed or analogous forms of reproduction at the price at which such edition is sold or at a lower price for the purposes of systematic instructional activities.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the work to be reproduced.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the ²[Appellate Board] under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a reproduction of the work mentioned in the application subject to the conditions that,—

- (i) the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the reproduction of the work sold to the public, calculated at such rate as the ²[Appellate Board] may, in the circumstances of each case, determine in the prescribed manner;
- (ii) a licence granted under this section shall not extend to the export of copies of the reproduction of the work outside India and every copy of such reproduction shall contain a notice that the copy is available for distribution only in India:

Provided that no such licence shall be granted unless—

¹ Ins. by Act 23 of 1983, s.14 (w.e.f 9-8-1984)

² Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

(a) the applicant has proved to the satisfaction of the ¹[Appellate Board] that he had requested and had been denied authorisation by the owner of the copyright in the work to reproduce and publish such work or that he was, after due diligence on his part, unable to find such owner;

(b) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation by registered air-mail post to the publisher whose name appears from the work not less than three months before the application for the licence;

(c) the ¹[Appellate Board] is satisfied that the applicant is competent to reproduce and publish an accurate reproduction of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

(d) the applicant undertakes to reproduce and publish the work at such price as may be fixed by the ¹[Appellate Board], being a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subjects;

(e) a period of six months in the case of an application for the reproduction and publication of any work of natural science, physical science, mathematics or technology, or a period of three months in the case of an application for the reproduction and publication of any other work, has elapsed from the date of making the request under clause (a), or where a copy of the request has been sent under clause (b), from the date of sending of a copy, and a reproduction of the work has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or, three months, as the case may be;

(f) the name of the author and the title of the particular edition of the work proposed to be reproduced are printed on all the copies of the reproduction;

(g) the author has not withdrawn from circulation copies of the work; and

(h) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

(5) No licence to reproduce and publish the translation of a work shall be granted under this section unless such translation has been published by the owner of the right of translation or any person authorised by him and the translation is not in a language in general use in India.

(6) The provisions of this section shall also apply to the reproduction and publication, or translation into a language in general use in India, of any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities.

Explanation.— For the purposes of this section, “relevant period”, in relation to any work, means a period of—

(a) seven years from the date of the first publication of that work, where the application is for

¹ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

the reproduction and publication of any work of, or relating to, fiction, poetry, drama, music or art;

(b) three years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, natural science, physical science, mathematics or technology; and

(c) five years from the date of the first publication of that work, in any other case.]

¹[**32B. Termination of licences issued under this Chapter.**— (1) If, at any time after the granting of a licence to produce and publish the translation of a work in any language under sub-section (1A) of section 32 (hereafter in this sub-section referred to as the licensed work), the owner of the copyright in the work or any person authorised by him publishes a translation of such work in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for the translation of works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding such licence by the owner of the right of translation intimating the publication of the translation as aforesaid:

Provided further that copies of the licensed work produced and published by the person holding such licence before the termination of the licence takes effect may continue to be sold or distributed until the copies already produced and published are exhausted.

(2) If, at any time after the granting of a licence to produce and publish the reproduction or translation of any work under section 32A, the owner of the right of reproduction or any person authorised by him sells or distributes copies of such work or a translation thereof, as the case may be, in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding the licence by the owner of the right of reproduction intimating the sale or distribution of the copies of the editions of work as aforesaid:

Provided further that any copies already reproduced by the licensee before such termination takes effect may continue to be sold or distributed until the copies already produced are exhausted.]

¹ Ins. by Act 23 of 1983, s.14 (w.e.f 9-8-1984)

¹[CHAPTER VII
COPYRIGHT SOCIETIES

33. Registration of Copyright society.— (1) No person or association of persons shall, after coming into force of the Copyright (Amendment) Act, 1994 (38 of 1994) commence or, carry on the business of issuing or granting licences in respect of any work in which copyright subsists or in respect of any other rights conferred by this Act except under or in accordance with the registration granted under sub-section (3):

Provided that an owner of copyright shall, in his individual capacity, continue to have the right to grant licences in respect of his own works consistent with his obligations as a member of the registered copyright society:

²[Provided further that the business of issuing or granting licence in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recordings shall be carried out only through a copyright society duly registered under this Act:

Provided also] that a performing rights society functioning in accordance with the provisions of section 33 on the date immediately before the coming into force of the Copyright (Amendment) Act, 1994 (38 of 1994) shall be deemed to be a copyright society for the purposes of this Chapter and every such society shall get itself registered within a period of one year from the date of commencement of the Copyright (Amendment) Act, 1994.

(2) Any association of persons who fulfils such conditions as may be prescribed may apply for permission to do the business specified in sub-section (1) to the Registrar of Copyrights who shall submit the application to the Central Government.

(3) The Central Government may, having regard to the interests of the authors and other owners of rights under this Act, the interest and convenience of the public and in particular of the groups of persons who are most likely to seek licences in respect of the relevant rights and the ability and professional competence of the applicants, register such association of persons as a copyright society subject to such conditions as may be prescribed:

Provided that the Central Government shall not ordinarily register more than one copyright society to do business in respect of the same class of works.

³[(3A) The registration granted to a copyright society under sub-section (3) shall be for a period of five years and may be renewed from time to time before the end of every five years on a request in the prescribed form and the Central Government may renew the registration after considering the report of Registrar of Copyrights on the working of the copyright society under section 36:

Provided that the renewal of the registration of a copyright society shall be subject to the continued

¹ Chapter VII subs. by Act 38 of 1994, s. 11, (w.e.f. 10-5-1995).

² Subs. by Act 27 of 2012, s. 19 (i), for “Provided further” (w.e.f. 21-6-2012)

³ Ins. by Act 27 of 2012, s. 19 (ii) (w.e.f. 21-6-2012).

collective control of the copyright society being shared with the authors of works in their capacity as owners of copyright or of the right to receive royalty:

Provided further that every copyright society already registered before the coming into force of the Copyright (Amendment) Act, 2012 (27 of 2012) shall get itself registered under this Chapter within a period of one year from the date of commencement of the Copyright (Amendment) Act, 2012.]

(4) The Central Government may, if it is satisfied that a copyright society is being managed in a manner detrimental to the interests of the ¹[authors and other owners of right] concerned, cancel the registration of such society after such inquiry as may be prescribed.

(5) If the Central Government is of the opinion that in the interest of the ¹[authors and other owners of right] concerned ²[or for non-compliance of sections 33A, sub-section (3) of section 35 and section 36 or any change carried out in the instrument by which the copyright society is established or incorporated and registered by the Central Government without prior notice to it], it is necessary so to do, it may, by order, suspend the registration of such society pending inquiry for such period not exceeding one year as may be specified in such order under sub-section (4) and that Government shall appoint an administrator to discharge the functions of the copyright society.

³[**33A. Tariff Scheme by copyright societies.**— (1) Every copyright society shall publish its tariff scheme in such manner as may be prescribed.

(2) Any person who is aggrieved by the tariff scheme may appeal to the ⁴[Appellate Board] and the Board may, if satisfied after holding such inquiry as it may consider necessary, make such orders as may be required to remove any unreasonable element, anomaly or inconsistency therein:

Provided that the aggrieved person shall pay to the copyright society any fee as may be prescribed that has fallen due before making an appeal to the ⁴[Appellate Board] and shall continue to pay such fee until the appeal is decided, and the Board shall not issue any order staying the collection of such fee pending disposal of the appeal:

Provided further that the ⁴[Appellate Board] may after hearing the parties fix an interim tariff and direct the aggrieved parties to make the payment accordingly pending disposal of the appeal.]

34. Administration of rights of owner by copyright society.— (1) Subject to such conditions as may be prescribed,—

(a) a copyright society may accept from an ¹[author and other owners of right] exclusive authorisation to administer any right in any work by issue of licences or collection of licence fees or both; and

¹ Subs. by Act 27 of 2012, s. 19 (iii), for “owners of rights” (w.e.f. 21-6-2012).

² Ins. By Act 27 of 2012, sec. 19(iv), (w.e.f. 21-6-2012).

³ Ins. By Act 27 of 2012, sec. 20, (w.e.f. 21-6-2012).

⁴ Subs. by Act 7 of 2017, s.160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

(b) an ¹[author and other owners of right] shall have the right to withdraw such authorisation without prejudice to the rights of the copyright society under any contract.

(2) It shall be competent for a copyright society to enter into agreement with any foreign society or organisation administering rights corresponding to rights under this Act, to entrust to such foreign society or organisation the administration in any foreign country of rights administered by the said copyright society in India, or for administering in India the rights administered in a foreign country by such foreign society or organisation:

Provided that no such society or organisation shall permit any discrimination in regard to the terms of licence or the distribution of fees collected between rights in Indian and other works.

(3) Subject to such conditions as may be prescribed, a copyright society may—

- (i) issue licences under section 30 in respect of any rights under this Act;
- (ii) collect fees in pursuance of such licences;
- (iii) distribute such fees among ¹[author and other owners of right] after making deductions for its own expenses;
- (iv) perform any other functions consistent with the provisions of section 35.

34A. [*Payment of remunerations by copyright society.*] *Rep. by the Copyright (Amendment) Act, 2012 (27 of 2012), s. 22 (w.e.f. 21-6-2012).*

35. Control over the copyright society by the ²[author and other owners of right].— (1) Every copyright society shall be subject to the collective control of the ²[author and other owners of right] under this Act whose rights it administers (not being ²[author and other owners of right] under this Act administered by a foreign society or organisation referred to in sub-section (2) of section 34) and shall, in such manner as may be prescribed,—

- (a) obtain the approval of such ²[author and other owners of right] for its procedures of collection and distribution of fees;
- (b) obtain their approval for the utilisation of any amounts collected as fees for any purpose other than distribution to the ²[author and other owners of right]; and
- (c) provide to such owners regular, full and detailed information concerning all its activities, in relation to the administration of their rights.

(2) All fees distributed among the ²[author and other owners of right] shall, as far as may be, be

¹ Subs. by Act 27 of 2012, s. 21, for “owner of rights” (w.e.f. 21-6-2012).

² Subs. by Act 27 of 2012, s. 23(a), for “owner of rights” (w.e.f. 21-6-2012).

distributed in proportion to the actual use of their works.

¹[(3) Every copyright society shall have a governing body with such number of persons elected from among the members of the society consisting of equal number of authors and owners of work for the purpose of the administration of the society as may be specified.]

¹[(4) All members of copyrights society shall enjoy equal membership rights and there shall be no discrimination between authors and owners of right in the distribution of royalties.]

36. Submission of returns and reports.— (1) Every copyright society shall submit to the Registrar of Copyrights such returns as may be prescribed.

(2) Any officer duly authorised by the Central Government in this behalf may call for any report and also call for any records of any copyright society for the purpose of satisfying himself that the fees collected by the society in respect of rights administered by it are being utilised or distributed in accordance with the provisions of this Act.

36A. Rights and liabilities of performing rights societies.— Nothing in this Chapter shall affect any rights or liabilities in any work in connection with a ²[copyright society] which had accrued or were incurred on or before the day prior to the commencement of ³[the Copyright (Amendment) Act, 2012 (27 of 2012)], or any legal proceedings in respect of any such rights or liabilities pending on that day.]

CHAPTER VIII

⁴[RIGHTS OF BROADCASTING ORGANISATION AND OF PERFORMERS]

⁵[**37. Broadcast reproduction right.**— (1) Every broadcasting organisation shall have a special right to be known as “broadcast reproduction right” in respect of its broadcasts.

(2) The broadcast reproduction right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the broadcast is made.

(3) During the continuance of a broadcast reproduction right in relation to any broadcast, any person who, without the licence of the owner of the right does any of the following acts of the broadcast or any substantial part thereof,—

(a) re-broadcast the broadcast; or

(b) causes the broadcast to be heard or seen by the public on payment of any charges; or

¹ Subs. by Act 27 of 2012, s. 23(b), for “owner of rights” (w.e.f. 21-6-2012).

² Subs. by Act 27 of 2012, s. 24(a), for “performing rights society” (w.e.f. 21-6-2012).

³ Subs. by s. 24(b), *ibid.*, for “the Copyright (Amendment) Act, 1994 (38 of 1994)” (w.e.f. 21-6-2012).

⁴ Subs. by Act 38 of 1994, s. 12, for “RIGHTS OF BROADCASTING AUTHORITIES” (w.e.f. 10-5-1995).

⁵ Subs. by Act 38 of 1994, s. 13, for section 37 (w.e.f. 10-5-1995).

(c) makes any sound recording or visual recording of the broadcast; or

(d) makes any reproduction of such sound recording or visual recording where such initial recording was done without licence or, where it was licensed, for any purpose not envisaged by such licence; or

¹[(e) sells or gives on commercial rental or offer for sale or for such rental, any such sound recording or visual recording referred to in clause (c) or clause (d)].]

shall, subject to the provision of section 39, be deemed to have infringed the broadcast reproduction right.

²**[38. Performer's right.]**— (1) Where any performer appears or engages in any performance, he shall have a special right to be known as the “performer's right” in relation to such performance.

(2) The performer's right shall subsist until ³[fifty years] from the beginning of the calendar year next following the year in which the performance is made.

⁴[***]

⁵**[38A. Exclusive right of performers.]**— (1) Without prejudice to the rights conferred on authors, the performer's right which is an exclusive right subject to the provisions of this Act to do or authorise for doing any of the following acts in respect of the performance or any substantial part thereof, namely:—

(a) to make a sound recording or a visual recording of the performance, including—

(i) reproduction of it in any material form including the storing of it in any medium by electronic or any other means;

(ii) issuance of copies of it to the public not being copies already in circulation;

(iii) communication of it to the public;

(iv) selling or giving it on commercial rental or offer for sale or for commercial rental any copy of the recording;

(b) to broadcast or communicate the performance to the public except where the performance is already broadcast.

(2) Once a performer has, by written agreement, consented to the incorporation of his performance in a cinematograph film he shall not, in the absence of any contract to the contrary, object to the enjoyment by the producer of the film of the performer's right in the same film:

Provided that, notwithstanding anything contained in this sub-section, the performer shall be entitled for

¹ Subs. by Act 27 of 2012, s. 25, for clause (e) (w.e.f. 21-6-2012).

² Subs. by Act 38 of 1994, s. 14, for section 38 (w.e.f. 10-5-1995).

³ Subs. by 49 of 1999, s. 4, for “twenty-five years” (w.e.f. 15-1-2000).

⁴ Omitted by Act 27 of 2012, sub-section (3) and sub-section (4) of section 26. (w.e.f. 21-6-2012)

⁵ Ins. by Act 27 of 2012, s. 27, (w.e.f. 21-6-2012).

royalties in case of making of the performances for commercial use.]

¹**[38B. Moral rights of the performer.**— The performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right,—

(a) to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance; and

(b) to restrain or claim damage in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

Explanation.—For the purposes of this clause, it is hereby clarified that mere removal of any portion of a performance for the purpose of editing, or to fit the recording within a limited duration, or any other modification required for purely technical reasons shall not be deemed to be prejudicial to the performer's reputation.]

²**[39. Acts not infringing broadcast reproduction right or performer's right.**— No broadcast reproduction right or performer's right shall be deemed to be infringed by—

(a) the making of any sound recording or visual recording for the private use of the person making such recording, or solely for purposes of *bona fide* teaching or research; or

(b) the use, consistent with fair dealing, of excerpts of a performance or of a broadcast in the reporting of current events or for *bona fide* review, teaching or research; or

(c) such other acts, with any necessary adaptations and modifications, which do not constitute infringement of copyright under section 52.]

³**[39A. Certain provisions to apply in case of broadcast reproduction right and performer's rights. (1)**Sections 18, 19, 30, 30A, 33, 33A, 34, 35, 36, 53, 55, 58, 63, 64, 65, 65A, 65B and 66 shall, with necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any broadcast and the performer's right in any performance as they apply in relation to copyright in a work:

Provided that where copyright or performer's right subsists in respect of any work or performance that has been broadcast, no licence to reproduce such broadcast, shall be given without the consent of the owner of right or performer, as the case may be, or both of them:

Provided further that the broadcast reproduction right or performer's right shall not subsist in any broadcast or performance if that broadcast or performance is an infringement of the copyright in any work.

(2) The broadcast reproduction right or the performer's right shall not affect the separate copyright in any

¹ Ins. by s. 27, Act 27 of 2012. (w.e.f. 21-6-2012).

² Subs. by Act 38 of 1994, s.15, for s. 39 (w.e.f 10-5-1995).

³ Subs. by Act 27 of 2012, s. 28, for section 39A (w.e.f. 21-6-2012).

work in respect of which, the broadcast or the performance, as the case may be, is made.]

CHAPTER IX

INTERNATIONAL COPYRIGHT

40. Power to extend copyright to foreign works.— The Central Government may, by order¹ published in the Official Gazette, direct that all or any provisions of this Act shall apply—

- (a) to works first published in any territory outside India to which the order relates in like manner as if they were first published within India;
- (b) to unpublished works, or any class thereof, the authors whereof were at the time of the making of the work, subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were citizens of India;
- (c) in respect of domicile in any territory outside India to which the order relates in like manner as if such domicile were in India;
- (d) to any work of which the author was at the date of the first publication thereof, or, in a case where the author was dead at that date, was at the time of his death, a subject or citizen of a foreign country to which the order relates in like manner as if the author was a citizen of India at that date or time;

and thereupon, subject to the provisions of this Chapter and of the order, this Act shall apply accordingly:

Provided that—

- (i) before making an order under this section in respect of any foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to copyright to which India is also a party), the Central Government shall be satisfied that the foreign country has made, or has undertaken to make, such provisions, if any, as it appears to the Central Government expedient to require for the protection in that country of works entitled to copyright under the provisions of this Act;
- (ii) the order may provide that the provisions of this Act shall apply either generally or in relation to such classes of works or such classes of cases as may be specified in the order;
- (iii) the order may provide that the term of copyright in India shall not exceed that conferred by the law of the country to which the order relates ²[but such a term or copyright shall not exceed the term of copyright provided under this Act];

¹ International Copyright order, 1999 (w.e.f. 6-4-1999)

² Ins. by Act 27 of 2012, s. 29 (w.e.f. 21-6-2012).

- (iv) the order may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities, if any, as may be prescribed by the order;
- (v) in applying the provisions of this Act as to ownership of copyright, the order may make such exceptions and modifications as appear necessary, having regard to the law of the foreign country;
- (vi) the order may provide that this Act or any part thereof shall not apply to works made before the commencement of the order or that this Act or any part thereof shall not apply to works first published before the commencement of the order.

¹[**40A. Power of Central Government to apply Chapter VIII to broadcasting organisations and performers in certain other countries.**— (1) If the Central Government is satisfied that a foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to rights of broadcasting organisations and performers to which India is also a party) has made or has undertaken to make such provisions, if any, as it appears to the Central Government expedient to require, for the protection in that foreign country, of the rights of broadcasting organizations and performers as is available under this Act, it may, by order published in the Official Gazette, direct that the provisions of Chapter VIII shall apply—

- (a) to broadcasting organisation whose headquarters is situated in a country to which the order relates or, the broadcast was transmitted from a transmitter situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India;
 - (b) to performances that took place outside India to which the order relates in like manner as if they took place in India;
 - (c) to performances that are incorporated in a sound recording published in a country to which the order relates as if it were published in India;
 - (d) to performances not fixed on a sound recording broadcast by a broadcasting organisation the headquarters of which is located in a country to which the order relates or where the broadcast is transmitted from a transmitter which is situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India.
- (2) Every order made under sub-section (1) may provide that—
- (i) the provisions of Chapter VIII, shall apply either generally or in relation to such class or classes of broadcasts or performances or such other class or classes of cases as may be specified in the order;

¹ Ins. by Act 49 of 1999, s. 5 (w.e.f. 15-1-2000).

(ii) the term of the rights of broadcasting organisations and performers in India shall not exceed such term as is conferred by the law of the country to which the order relates

¹[Provided that it does not exceed the period provided under this Act;]

(iii) the enjoyment of the rights conferred by Chapter VIII shall be subject to the accomplishment of such conditions and formalities, if any, as may be specified in that order;

(iv) Chapter VIII or any part thereof shall not apply to broadcast and performances made before the commencement of the order or that Chapter VIII or any part thereof shall not apply to broadcasts and performances broadcast or performed before the commencement of the order;

(v) in case of ownership of rights of broadcasting organisations and performers, the provisions of Chapter VIII shall apply with such exceptions and modifications as the Central Government may, having regard to the law of the foreign country, consider necessary.]

41. Provisions as to works of certain international organisations.— (1) Where—

(a) any work is made or first published by or under the direction or control of any organisation to which this section applies, and

(b) there would, apart from this section, be no copyright in the work in India at the time of the making or, as the case may be, of the first publication thereof, and

(c) either—

(i) the work is published as aforesaid in pursuance of an agreement in that behalf with the author, being an agreement which does not reserve to the author the copyright, if any, in the work, or

(ii) under section 17 any copyright in the work would belong to the organisation;

there shall, by virtue of this section, be copyright in the work throughout India.

(2) Any organisation to which this section applies which at the material time had not the legal capacity of a body corporate shall have and be deemed at all material times to have had the legal capacity of a body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with all legal proceedings relating to copyright.

(3) The organisations to which this section applies are such organisations as the Central Government may, by order² published in the Official Gazette, declare to be organisations of which one or more sovereign powers or the Government or Governments thereof are members to which it is expedient that this section shall apply.

¹ Ins. by Act 27 of 2012, s. 30 (w.e.f. 21-6-2012).

² International Copyright order, 1999 (w.e.f. 6-4-1999)

42. Power to restrict rights in works of foreign authors first published in India.— If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to the works of Indian authors, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer copyright on works first published in India shall not apply to works, published after the date specified in the order, the authors whereof are subjects or citizens of such foreign country and are not domiciled in India, and thereupon those provisions shall not apply to such works.

¹[**42A. Power to restrict rights of foreign broadcasting organisations and performers.**— If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to rights of broadcasting organisations or performers, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer right to broadcasting organisations or performers, as the case may be, shall not apply to broadcasting organisations or performers whereof are based or incorporated in such foreign country or are subjects or citizens of such foreign country and are not incorporated or domiciled in India, and thereupon those provisions shall not apply to such broadcasting organisations or performers:]

43. Orders under this Chapter to be laid before Parliament.— Every order made by the Central Government under this Chapter shall, as soon as may be after it is made, be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which it is so laid or the session immediately following.

CHAPTER X REGISTRATION OF COPYRIGHT

44. Register of Copyrights.— There shall be kept at the Copyright Office a register in the prescribed form to be called the Register of Copyrights in which may be entered the names or titles of works and the names and addresses of authors, publishers and owners of copyright and such other particulars as may be prescribed.

45. Entries in Register of Copyrights.— (1) The author or publisher of, or the owner of or other person interested in the copyright in, any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar of Copyrights for entering particulars of the work in the Register of Copyrights:

²[Provided that in respect of an artistic work which is used or is capable of being used in ³[relation to any goods or services], the application shall include a statement to that effect and shall be accompanied by a certificate from the Registrar of Trade Marks referred to in ⁴[section 3 of the Trade Marks Act, 1999 (47 of

¹ Ins. by Act 49 of 1999, s. 6 (w.e.f. 15-1-2000).

² The proviso added by Act 23 of 1983, s. 16 (w.e.f. 9-8-1984).

³ Subs. by Act 27 of 2012, s. 31, for “relation to any goods” (w.e.f. 21-6-2012).

⁴ Subs. by s. 31, *ibid.*, for “section 4 of the Trade and Merchandise Marks Act, 1958 (43 of 1958)” (w.e.f. 21-6-2012).

1999)], to the effect that no trade mark identical with or deceptively similar to such artistic work has been registered under that Act in the name of, or that no application has been made under that Act for such registration by, any person other than the applicant.]

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar of Copyrights may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights.

46. Indexes.— There shall be also kept at the Copyright Office such indexes of the Register of Copyrights as may be prescribed.

47. Form and inspection of register.— The Register of Copyrights and indexes thereof kept under this Act shall at all reasonable times be open to inspection, and any person shall be entitled to take copies of, or make extracts from, such register or indexes on payment of such fee and subject to such conditions as may be prescribed.

48. Register of Copyrights to be *prima facie* evidence of particulars entered therein.— The Register of Copyrights shall be *prima facie* evidence of the particulars entered therein and documents purporting to be copies of any entries therein, or extracts therefrom, certified by the Registrar of Copyrights and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof or production of the original.

49. Correction of entries in the Register of Copyrights.— The Registrar of Copyrights may, in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights by—

- (a) correcting any error in any name, address or particulars; or
- (b) correcting any other error which may have arisen therein by accidental slip or omission.

50. Rectification of Register by ¹[Appellate Board].— The [Appellate Board], on application of the Registrar of Copyrights or of any person aggrieved, shall order the rectification of the Register of Copyrights by—

- (a) the making of any entry wrongly omitted to be made in the register, or
- (b) the expunging of any entry wrongly made in, or remaining on, the register, or
- (c) the correction of any error or defect in the register.

²[50A. Entries in the Register of Copyrights, etc., to be published.— Every entry made in the Register of Copyrights or the particulars of any work entered under section 45, the correction of every entry made in such register under section 49, and every rectification ordered under section 50, shall be published by the Registrar of Copyrights in the Official Gazette or in such other manner as he may deem fit.]

¹ Subs. by Act 7 of 2017, s. 160 (a), for “Copyright Board” (w.e.f. 26-5-2017).

² Ins. by Act 23 of 1983, s. 17 (w.e.f. 9-8-1984).

CHAPTER XI

INFRINGEMENT OF COPYRIGHT

51. When copyright infringed.— Copyright in a work shall be deemed to be infringed—

(a) when any person, without a licence granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act—

(i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or

¹[(ii) permits for profit any place to be used for the communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be an infringement of copyright; or]

(b) when any person—

(i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(iii) by way of trade exhibits in public, or

(iv) imports ²*** into India,

any infringing copies of the work:

³[Provided that nothing in sub-clause (iv) shall apply to the import of one copy of any work for the private and domestic use of the importer.]

Explanation.— For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an “infringing copy”.

52. Certain acts not to be infringement of copyright.— (1) The following acts shall not constitute an infringement of copyright, namely,—

⁴[(a) a fair dealing with any work, not being a computer programme, for the purposes of—

(i) private or personal use, including research;

¹ Subs. by Act 38 of 1994, s. 16, for sub-clause (ii) (w.e.f. 10-5-1995).

² The brackets and words “(except for the private and domestic use of the importer)” omitted by Act 65 of 1984, s. 3 (w.e.f. 8-10-1985).

³ Subs. by Act 38 of 1994, s. 16, for the proviso (w.e.f. 10-5-1995).

⁴ Subs. by Act 27 of 2012, s. 32(i), for clause (a) (w.e.f. 21-6-2012).

(ii) criticism or review, whether of that work or of any other work;

(iii) the reporting of current events and current affairs, including the reporting of a lecture delivered in public.

Explanation.— The storing of any work in any electronic medium for the purposes mentioned in this clause, including the incidental storage of any computer programme which is not itself an infringing copy for the said purposes, shall not constitute infringement of copyright.]

¹[(aa) the making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme, from such copy—

(i) in order to utilise the computer programme for the purpose for which it was supplied; or

(ii) to make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilise the computer programme for the purpose for which it was supplied;]

²[(ab) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available;

(ac) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;

(ad) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use;]

³[(b) the transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public;

(c)transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy:

Provided that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such access for a

¹ Ins. by Act 38 of 1994, s. 17 (w.e.f. 10-5-1995).

² Ins. by Act 49 of 1999, s. 7 (w.e.f. 15-1-2000).

³ Subs. by Act 27 of 2012, s. 32(ii), for clauses (b), (c), (d), (e), (f), (g), (h), (i) and (j) (w.e.f. 21-6-2012).

period of twenty-one days or till he receives an order from the competent court refraining from facilitation access and in case no such order is received before the expiry of such period of twenty-one days, he may continue to provide the facility of such access;

(d) the reproduction of any work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;

(e) the reproduction or publication of any work prepared by the Secretariat of a Legislature or, where the legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;

(f) the reproduction of any work in a certified copy made or supplied in accordance with any law for the time being in force;

(g) the reading or recitation in public of reasonable extracts from a published literary or dramatic work;

(h) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for instructional use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for such use in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

Explanation.— In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

(i) the reproduction of any work—

(i) by a teacher or a pupil in the course of instruction; or

(ii) as part of the question to be answered in an examination; or

(iii) in answers to such questions;

(j) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a sound recording if the audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording;

(k) the causing of a recording to be heard in public by utilising it,—

(i) in an enclosed room or hall meant for the common use of residents in any residential premises (not being a hotel or similar commercial establishment) as part of the amenities provided

exclusively or mainly for residents therein; or

(ii) as part of the activities of a club or similar organisation which is not established or conducted for profit;]

(l) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;

(m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction;

¹[(n) the storing of a work in any medium by electronic means by a non-commercial public library, for preservation if the library already possesses a non-digital copy of the work;]

(o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a ²[non-commercial public library] for the use of the library if such book is not available for sale in India;

(p) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access:

Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than ³[sixty years] from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last;

(q) the reproduction or publication of—

- (i) any matter which has been published in any Official Gazette except an Act of a Legislature;
- (ii) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;
- (iii) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;

¹ Subs. by Act 27 of 2012, s. 32(iii), for clause (n) (w.e.f. 21-6-2012).

² Subs. by Act 27 of 2012, s. 32(iv), for “public library” (w.e.f. 21-6-2012).

³ Subs. by Act 49 of 1999, s. 7, for “fifty years” (w.e.f. 15-1-2000).

(iv) any judgment or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;

(r) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder—

(v) if no translation of such Act or rules or orders in that language has been previously been produced or published by the Government; or

(vi) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:

Provided that such translation contains a statement at a prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government;

¹[(s) the making or publishing of a painting, drawing, engraving or photograph of a work of architecture or the display of a work of architecture;]

(t) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work falling under sub-clause (iii) of clause (c) of section 2, if such work is permanently situate in a public place or any premises to which the public has access;

(u) the inclusion in a cinematograph film of—

(i) any artistic work permanently situate in a public place or any premises to which the public has access; or

(ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;

(v) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work:

Provided that he does not thereby repeat or imitate the main design of the work;

²[(w) the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device;]

(x) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed:

Provided that the original construction was made with the consent or licence of the owner of the

¹ Subs. by Act 38 of 1994, s. 17, for clause (s) (w.e.f. 9-8-1995).

² Subs. by Act 27 of 2012, s. 32, for clause (w) (w.e.f. 21-6-2012).

copyright in such drawings and plans;

(y) in relation to a literary, ¹[dramatic, artistic or] musical work recorded or reproduced in any cinematograph film, the exhibition of such film after the expiration of the term of copyright therein:

Provided that the provisions of sub-clause (ii) of clause (a), sub-clause (i) of clause (b) and clauses (d), (f), (g), (m) and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment—

(i) identifying the work by its title or other description; and

(ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgment of his name should be made, also identifying the author;

²[(z) the making of an ephemeral recording, by a broadcasting organisation using its own facilities for its own broadcast by a broadcasting organisation of a work which it has the right to broadcast; and the retention of such recording for archival purposes on the ground of its exceptional documentary character;

(za) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any *bona fide* religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority.

Explanation.— For the purpose of this clause, religious ceremony including a marriage procession and other social festivities associated with a marriage;]

³[(zb) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by—

(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(ii) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:

Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production:

Provided further that the organisation shall ensure that the copies of works in such accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

¹ Subs. by Act 27 of 2012, s. 32, for “dramatic or” (w.e.f. 21-6-2012).

² Ins. by Act 38 of 1994, s. 17 (w.e.f. 9-8-1995).

³ Ins. by Act 27 of 2012, s. 32 (w.e.f. 21-6-2012).

Explanation.— For the purposes of this sub-clause, “any organisation” includes an organisation registered under section 12A of the Income-tax Act, 1961 (43 of 1961) and working for the benefit of persons with disability or recognised under Chapter X of the Persons with Disabilities (Equal Opportunities, Protection of Rights and full Participation) Act, 1995 (1 of 1996) or receiving grants from the Government for facilitating access to persons with disabilities or an educational institution or library or archives recognised by the Government;

¹[(zc) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or explanatory material, that is purely incidental to other goods or products being imported lawfully.]

(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.

²[52A. Particulars to be included in ³[sound recording] and video films.— (1) No person shall publish a ³[sound recording] in respect of any work unless the following particulars are displayed on the ³[sound recording] and on any container thereof, namely:—

- (a) the name and address of the person who has made the sound recording;
- (b) the name and address of the owner of the copyright in such work; and
- (c) the year of its first publication.

(2) No person shall publish a video film in respect of any work unless the following particulars are displayed in the video film, when exhibited, and on the video cassette or other container thereof, namely:—

(a) if such work is a cinematograph film required to be certified for exhibition under the provisions of the Cinematograph Act, 1952 (37 of 1952), a copy of the certificate granted by the Board of Film Certification under section 5A of that Act in respect of such work;

(b) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence or consent from the owner of the copyright in such work for making such video film; and

(c) the name and address of the owner for the copyright in such work.]

52B. [Accounts and audit.] Omitted by the Copyright Act, 2012 (27 of 2012), s. 33 (w.e.f. 21-6-2012).

¹ Ins. by Act 27 of 2012, s. 32 (w.e.f. 21-6-2012).

² Ins. by Act 65 of 1984, s. 4 (w.e.f. 8-10-1984).

³ Subs. by Act 38 of 1994, s. 2, for “record” (w.e.f. 10-5-1995).

¹[53. Importation of infringing copies.]— (1) The owner of any right conferred by this Act in respect of any work or any performance embodied in such work, or his duly authorised agent, may give notice in writing to the Commissioner of Customs, or to any other officer authorised in this behalf by the Central Board of Excise and Customs,—

(a) that he is the owner of the said right, with proof thereof; and

(b) that he requests the Commissioner for a period specified in the notice, which shall not exceed one year, to treat infringing copies of the work as prohibited goods, and that infringing copies of the work are expected to arrive in India at a time and a place specified in the notice.

(2) The Commissioner, after scrutiny of the evidence furnished by the owner of the right and on being satisfied may, subject to the provisions of sub-section (3), treat infringing copies of the work as prohibited goods that have been imported into India, excluding goods in transit:

Provided that the owner of the work deposits such amount as the Commissioner may require as security having regard to the likely expenses on demurrage, cost of storage and compensation to the importer in case it is found that the works are not infringing copies.

(3) When any goods treated as prohibited under sub-section (2) have been detained, the Customs Officer detaining them shall inform the importer as well as the person who gave notice under sub-section (1) of the detention of such goods within forty-eight hours of their detention.

(4) The Customs Officer shall release the goods, and they shall no longer be treated as prohibited goods, if the person who gave notice under sub-section (1) does not produce any order from a court having jurisdiction as to the temporary or permanent disposal of such goods within fourteen days from the date of their detention.]

²[53A. Resale share right in original copies.]— (1) In the case of resale for a price exceeding ten thousand rupees, of the original copy of a painting, sculpture or drawing, or of the original manuscript of a literary or dramatic work or musical work, the author of such work if he was the first owner of rights under section 17 or his legal heirs shall, notwithstanding any assignment of copyright in such work, have a right to share in the resale price of such original copy or manuscript in accordance with the provisions of this section:

Provided that such right shall cease to exist on the expiration of the term of copyright in the work.

(2) The share referred to in sub-section (1) shall be such as the ³[Appellate Board] may fix and the decision of the ²[Appellate Board] in this behalf shall be final:

¹ Subs. by Act 27 of 2012, s. 34, for section 53 (w.e.f. 21-6-2012).

² Ins. by Act 38 of 1994, s. 19 (w.e.f. 10-5-1995).

³ Subs. by Act 7 of 2017, s.160, for “Copyright Board” (w.e.f. 26-5-2017).

Provided that the ²[Appellate Board] may fix different shares for different classes of work:

Provided further that in no case shall the share exceed ten percent of the resale price.

(3) If any dispute arises regarding the right conferred by this section, it shall be referred to the ¹[Appellate Board] whose decision shall be final.]

CHAPTER XII CIVIL

REMEDIES

54. Definition.— For the purposes of this Chapter, unless the context otherwise requires, the expression “owner of copyright” shall include—

- (a) an exclusive licensee;
- (b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of an anonymous work of joint authorship, or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise established to the satisfaction of the ¹[Appellate Board] by that author or his legal representatives.

55. Civil remedies for infringement of copyright.— (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right:

Provided that if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for believing that copyright subsisted in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the court may in the circumstances deem reasonable.

(2) Where, in the case of a literary, dramatic, musical or artistic work, ²[or, subject to the provisions of sub-section (3) of section 13, a cinematograph film or sound recording, a name purporting to be that of the author, or the publisher, as the case may be, of that work, appears] on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case may be.

(3) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the

¹ Subs. by Act 7 of 2017, s.160(a), for “Copyright Board”(w.e.f. 26-5-2017).

² Subs. by Act 27 of 2012, s. 35, for “a name purporting to be, that of the author or the publisher, as the case may be, appear” (w.e.f. 21-6-2012).

discretion of the court.

56. Protection of separate rights.— Subject to the provisions of this Act, where the several rights comprising the copyright in any work are owned by different persons, the owner of any such right shall, to the extent of that right, be entitled to the remedies provided by this Act and may individually enforce such right by means of any suit, action or other proceeding without making the owner of any other right a party to such suit, action or proceeding.

57. Author's special rights.— ¹[(1) Independently of the author's copyright and even after the assignment either wholly or partially of the said copyright, the author of a work shall have the right—

- (a) to claim authorship of the work; and
- (b) to restrain or claim damages in respect of any distortion, mutilation, modification or other act in relation to the said work ²[***] if such distortion, mutilation, modification or other act would be prejudicial to his honour or reputation:

Provided that the author shall not have any right to restrain or claim damages in respect of any adaptation of a computer programme to which clause (aa) of sub-section (1) of section 52 applies.

Explanation.— Failure to display a work or to display it to the satisfaction of the author shall not be deemed to be an infringement of the rights conferred by this section.]

(2) The right conferred upon an author of a work by sub-section (1), ³[***], may be exercised by the legal representatives of the author.

58. Rights of owner against persons possessing or dealing with infringing copies.— All infringing copies of any work in which copyright subsists, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof:

Provided that the owner of the copyright shall not be entitled to any remedy in respect of the conversion of any infringing copies, if the opponent proves—

- (a) that he was not aware and had no reasonable ground to believe that copyright subsisted in the work of which such copies are alleged to be infringing copies; or

¹ Subs. by Act 38 of 1994, s. 20, for sub-section (1) (w.e.f. 10-5-1995).

² The words “which is done before the expiration of the term of copyright” omitted by Act 27 of 2012, s. 36 (w.e.f. 21-6-2012).

³ The words “other than the right to claim authorship of the work” omitted by Act 27 of 2012, s. 36, (w.e.f. 21-6-2012).

(b) that he had reasonable grounds for believing that such copies or plates do not involve infringement of the copyright in any work.

59. Restriction on remedies in the case of works of architecture.— (1) Notwithstanding anything contained in ¹[the Specific Relief Act, 1963 (47 of 1963)], where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Nothing in Section 58 shall apply in respect of the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work.

60. Remedy in the case of groundless threat of legal proceedings.— Where any person claiming to be the owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of an alleged infringement of the copyright, any person aggrieved thereby may, notwithstanding anything contained ²[in section 34 of the Specific Relief Act, 1963 (47 of 1963)], institute a declaratory suit that the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit—

(a) obtain an injunction against the continuance of such threats; and

(b) recover such damages, if any, as he has sustained by reason of such threats:

Provided that this section shall not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him.

61. Owner of copyright to be party to the proceeding.— (1) In every civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee, the owner of the copyright shall, unless the court otherwise directs, be made a defendant and where such owner is made a defendant, he shall have the right to dispute the claim of the exclusive licensee.

(2) Where any civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee is successful, no fresh suit or other proceeding in respect of the same cause of action shall lie at the instance of the owner of the copyright.

62. Jurisdiction of court over matters arising under this Chapter.— (1) Every suit or other civil proceeding arising under this Chapter in respect of the infringement of copyright in any work or the infringement of any other right conferred by this Act shall be instituted in the district court having jurisdiction.

¹ Subs. by Act 23 of 1983, s. 20, for “the Specific Relief Act, 1877 (1 of 1877)” (w.e.f. 9-8-1984).

² Subs. by s. 21, *ibid.*, for “in section 42 the Specific Relief Act, 1877 (1 of 1877)” (w.e.f. 9-8-1984).

(2) For the purpose of sub-section (1), a “district court having jurisdiction” shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, include a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or other proceeding or, where there are more than one such persons, any of them actually and voluntarily resides or carries on business or personally works for gain.

CHAPTER XIII

OFFENCES

63. Offence of infringement of copyright or other rights conferred by this Act.— Any person who knowingly infringes or abets the infringement of—

(a) the copyright in a work, or

(b) any other right conferred by this Act ¹[except the right conferred by section 53A],

²[shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees]:

Provided that ¹[where the infringement has not been made for gain in the course of trade or business] the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.]

Explanation.— Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work shall not be an offence under this section.

³[**63A. Enhanced penalty on second and subsequent convictions.**— Whoever having already been convicted of an offence under section 63 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that ⁴[where the infringement has not been made for gain in the course of trade or business] the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees:

Provided further that for the purposes of this section, no cognizance shall be taken of any conviction

¹ Ins. by Act 38 of 1994, s. 21 (w.e.f 10-05-1995).

² Subs. by Act 65 of 1984, s. 5, for certain words (w.e.f. 08-10-1984)

³ Ins. by Act 65 of 1994, s.6 (w.e.f 8-10-1984)

⁴ Ins. by Act 38 of 1994, s. 22 (w.e.f 10-05-1995)

made before the commencement of the Copyright (Amendment) Act, 1984 (65 of 1984).]

¹[63B. Knowing use of infringing copy of computer programme to be an offence.— Any person who knowingly makes use on a computer of an infringing copy of a computer programme shall be punishable with imprisonment for a term which shall not be less than seven days but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees:

Provided that where the computer programme has not been used for gain or in the course of trade or business, the Court may, for adequate and special reasons to be mentioned in the judgment, not impose any sentence of imprisonment and may impose a fine which may extend to fifty thousand rupees.]

64. Power of police to seize infringing copies.— ²[(1) Any police officer, not below the rank of a sub-inspector, may, if he is satisfied that an offence under section 63 in respect of the infringement of copyright in any work has been, is being, or is likely to be, committed, seize without warrant, all copies of the work, and all plates used for the purposes of making infringing copies of the work, wherever found, and all copies and plates so seized shall, as soon as practicable be produced before a Magistrate.]

(2) Any person having an interest in any copies of a work ³[, or plates] seized under sub-section (1) may, within fifteen days of such seizure, make an application to the Magistrate for such copies ²[, or plates] being restored to him and the Magistrate, after hearing the applicant and the complainant and making such further inquiry as may be necessary, shall make such order on the application as he may deem fit.

65. Possession of plates for purpose of making infringing copies.— Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to ⁴[two years and shall also be liable to fine.]

⁵[65A. Protection of technological measures.— (1) Any person who circumvents an effective technological measure applied for the purpose of protecting any of the rights conferred by this Act, with the intention of infringing such rights, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) shall prevent any person from,—

(a) doing anything referred to therein for a purpose not expressly prohibited by this Act:

Provided that any person facilitating circumvention by another person of a technological measure for such a purpose shall maintain a complete record of such other person including his name, address and all

¹ Ins. by Act 38 of 1994, s. 23 (w.e.f 10-05-1995)

² Subs. by Act 65 of 1984, s. 7, for sub-section (1) (w.e.f. 08-10-1984)

³ Ins. by s.7, *Ibid*, (w.e.f. 08-10-1984)

⁴ Subs. by s.8, for “one year, or with fine or with both”, *Ibid* (w.e.f. 08-10-1984)

⁵ Ins. by Act 27 of 2012, s. 37 (w.e.f. 21-06-2012)

relevant particulars necessary to identify him and the purpose for which he has been facilitated; or

(b) doing anything necessary to conduct encryption research using a lawfully obtained encrypted copy; or

(c) conducting any lawful investigation; or

(d) doing anything necessary for the purpose of testing the security of a computer system or a computer network with the authorisation of its owner; or

(e) operator; or

(f) doing anything necessary to circumvent technological measures intended for identification or surveillance of a user; or

(g) taking measures necessary in the interest of national security.

65B. Protection of Rights Management Information.— Any person, who knowingly, —

(i) removes or alters any rights management information without authority, or

(ii) distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority,

shall be punishable with imprisonment which may extend to two years and shall also be liable to fine:

Provided that if the rights management information has been tampered with in any work, the owner of copyright in such work may also avail of civil remedies provided under Chapter XII against the persons indulging in such acts.]

66. Disposal of infringing copies or plates for purpose of making infringing copies.— The Court trying any offence under this Act may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be delivered up to the owner of the copyright ¹[or may make such order as it may deem fit regarding the disposal of such copies or plates].

67. Penalty for making false entries in register, etc., for producing or tendering false entries.— Any person who,—

(a) makes or causes to be made a false entry in the Register of Copyrights kept under this Act, or

(b) makes or causes to be made a writing falsely purporting to be a copy of any entry in such register, or

(c) produces or tenders or causes to be produced or tendered as evidence any such entry or writing, knowing the same to be false,

shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

¹ Ins. by Act 27 of 2012, s. 38 (w.e.f. 21-06-2012)

68. Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.— Any person who,—

- (a) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or
- (b) with a view to procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

¹**[68A. Penalty for contravention of section 52A.**— Any person who publishes a 2[sound recording] or a video film in contravention of the provisions of section 52A shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.]

69. Offences by companies.— (1) Where any offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section—

- (a) “company” means any body corporate and includes a firm or other association of persons; and
- (b) “director”, in relation to a firm means a partner in the firm.

70. Cognizance of offences.— No Court inferior to that of ³[a Metropolitan Magistrate or a Judicial Magistrate of the first class] shall try any offence under this Act.

CHAPTER XIV

APPEALS

71. Appeals against certain orders of Magistrate.— Any person aggrieved by an order made under sub-section (2) of section 64 or section 66 may, within thirty days of the date of such order, appeal to the Court to

¹ Ins. by Act 65 of 1984, s. 9, (w.e.f. 08-10-1984)

² Subs. by Act 38 of 1994, s. 2, for “record” (w.e.f. 10-5-1995).

³ Subs. by Act 23 of 1983, s.22, for “a Presidency Magistrate or a Magistrate of the first class” (w.e.f. 9-8-1984)

which appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.

72. Appeals against orders of Registrar of Copyrights and ¹[Appellate Board].— (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the ¹[Appellate Board].

(2) Any person aggrieved by any final decision or order of the ¹[Appellate Board], not being a decision or order made in an appeal under sub-section (1), may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the ¹[Appellate Board] under section 6.

(3) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.

73. Procedure for appeals.— The High Court may make rules consistent with this Act as to the procedure to be followed in respect of appeals made to it under section 72.

CHAPTER XV

MISCELLANEOUS

74. Registrar of Copyrights and ¹[Appellate Board] to possess certain powers of civil courts.— The Registrar of Copyrights and the ¹[Appellate Board] shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely, —

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) requisitioning any public record or copy thereof from any court or office;
- (f) any other matter which may be prescribed.

Explanation.— For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar of Copyrights or the ¹[Appellate Board], as the case may be, shall be the limits of the territory of India.

75. Orders for payment of money passed by Registrar of Copyrights and ¹[Appellate Board] to be executable as a decree.— Every order made by the Registrar of Copyrights or the ¹[Appellate Board] under this Act for the payment of any money or by the High Court in any appeal against any such order of the ¹[Appellate Board] shall, on a certificate issued by the Registrar of Copyrights, the ¹[Appellate Board] or the Registrar of the

¹ Subs. by Act 7 of 2017, s.160, for “Copyright Board”(w.e.f. 26-5-2017).

High Court, as the case may be, be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

76. Protection of action taken in good faith.— No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

77. Certain persons to be public servants.— Every officer appointed under this Act and every member of the ¹[Appellate Board] shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

78. Power to make rules.— (1) The Central Government may, by notification in the Official Gazette, make ²rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all or any of the following matters, namely:—

³[***]

(b) the form of complaints and applications to be made, and the licences to be granted, under this Act;

(c) the procedure to be followed in connection with any proceeding before the Registrar of Copyrights;

⁴[(cA) the form and manner in which an organisation may apply to the ¹[Appellate Board] for compulsory licence for disabled and the fee which may accompany such application under sub-section (1) of 31B;

(cB) the manner in which a person making sound recording may give prior notice of his intention to make sound recording under sub-section (2) of section 31C;

(cC) the register and books of account and the details of existing stock which a person making sound recording may maintain under sub-section (5) of section 31C;

(cD) the manner in which prior notice may be given by a broadcasting organisation under sub-section (2) of section 31D;

(cE) the reports and accounts which may be maintained under clause (a), and the inspection of records and books of account which may be made under clause (b) or sub-section (7) of section 31D];

⁵[(ca) the conditions for submission of application under sub-section (2) of section 33;

(cb) the conditions subject to which a copyright society may be registered under sub-section (3) of section 33;

(cc) the inquiry for cancellation of registration under sub-section (4) of section 33;]

⁶[(ccA) the manner in which a copyright society may publish its Tariff Scheme under sub-section (1) of

¹ Subs. by Act 7 of 2017, s.160, for “Copyright Board”(w.e.f. 26-5-2017).

² For the Copyright Rules, 1958, see Gazette of India, Extra., Pt. II, s.3, p.167.

³ Clause (a) omitted by Finance Act, 2017, s. 160(e).

⁴ Ins. by Act 27 of 2012, s. 39(ii) (w.e.f. 21-06-2012)

⁵ Ins. by Act 38 of 1994, s. 24 (w.e.f. 10-5-1995)

⁶ Ins. by Act 27 of 2012, s. 39(iii) (w.e.f. 21-06-2012)

section 33A;

(ccB) the fee which is to be paid before filing an appeal to the ¹[Appellate Board] under sub-section (2) of section 33A;

(ccC) the form of application for renewal of registration of a copyright society and the fee which may accompany such application under sub-section (3A) of section 33;]

²[(cd) the conditions subject to which the copyright society may accept authorisation under clause (a) of sub-section (1) of section 34 and the conditions subject to which owners or rights have right to withdraw such authorisation under clause (d) of that sub-section;

(ce) the conditions subject to which a copyright society may issue licences, collect fees and distribute such fees amongst owners of rights under sub-section (3) of section 34;]

(cf) the manner in which the approval of the owners of rights regarding collection and distribution of fees, approval for utilisation of any amount collected as fees and to provide to such owners information concerning activities in relation to the administration of their rights under sub-section (1) of section 35;

(cg) the returns to be filed by copyright societies to the Registrar of Copyrights under sub-section (1) of section 36;]

(d) the manner of determining any royalties payable under this Act, and the security to be taken for the payment of such royalties;

³[(da) the manner of payment of royalty under clause (j) of sub-section (1) of section 52;]

⁴[***]

(e) the form of Register of Copyrights to be kept under this Act and the particulars to be entered therein;

(f) the matters in respect of which the Registrar of Copyrights and the ¹[Appellate Board] shall have powers of a civil court;

(g) the fees which may be payable under this Act;

(h) the regulation of business of the Copyright Office and of all things by this Act placed under the direction or control of the Registrar of Copyrights.

⁵[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity

¹ Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

² Ins. by Act 38 of 1994, s.24 (w.e.f. 10-5-1995)

³ Ins. by Act 38 of 1994, s.24 (w.e.f. 10-5-1995)

⁴ Clause (db) omitted by Act 27 of 2012, s.39 (iv) (w.e.f. 21-6-2012)

⁵ Subs. by Act 23 of 1983, s. 23, for sub-section (3) (w.e.f. 9-8-1984)

of anything previously done under that rule.]

79. Repeals, savings and transitional provisions.— (1) The Indian Copyright Act, 1914 (3 of 1914), and the Copyright Act of 1911 passed by the Parliament of the United Kingdom as modified in its application to India by the Indian Copyright Act, 1914 are hereby repealed.

(2) Where any person has, before the commencement of this Act, taken any action whereby he has incurred any expenditure or liabilities in connection with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the coming into force of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who, by virtue of this Act, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by the ¹[Appellate Board].

(3) Copyright shall not subsist by virtue of this Act in any work in which copyright did not subsist immediately before the commencement of this Act under any Act repealed by sub-section (1).

(4) Where copyright subsisted in any work immediately before the commencement of this Act, the rights comprising such copyright shall, as from the date of such commencement, be the rights specified in section 14 in relation to the class of works to which such work belongs, and where any new rights are conferred by that section, the owner of such rights shall be—

(a) in any case where copyright in the work was wholly assigned before the commencement of this Act, the assignee or his successor-in-interest;

(b) in any other case, the person who was the first owner of the copyright in the work under any Act repealed by sub-section (1) or his legal representatives.

(5) Except as otherwise provided in this Act, where any person is entitled immediately before the commencement of this Act to copyright in any work or any right in such copyright or to an interest in any such right, he shall continue to be entitled to such right or interest for the period for which he would have been entitled thereto if this Act had not come into force.

(6) Nothing contained in this Act shall be deemed to render any act done before its commencement an infringement of copyright if that act would not otherwise have constituted such an infringement.

(7) Save as otherwise provided in this section, nothing in this section shall be deemed to affect the application of the General Clauses Act, 1897 (10 of 1897), with respect to the effect of repeals.

¹ Subs. by Act 7 of 2017, s.160, for “Copyright Board”(w.e.f. 26-5-2017).

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, JUNE 8, 2012/ JYAISTHA 18, 1934 (SAKA)

इस भाग में फ़िल्म पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, 8 June, 2012/Jyaistha 18, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 7th June, 2012, and is hereby published for general information:—

THE COPYRIGHT (AMENDMENT) ACT, 2012

No. 27 OF 2012

An Act further to amend the Copyright Act, 1957.

[7th June, 2012]

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Copyright (Amendment) Act, 2012.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1957.

2. In section 2 of the Copyright Act, 1957 (hereinafter referred to as the principal Act),—

Amendment
of section 2.

(i) in clause (f), the portion beginning with the words “on any medium” and ending with the words “produced by any means” shall be omitted;

(ii) after clause (f), the following clause shall be inserted, namely:—

“(fa) “commercial rental” does not include the rental, lease or lending of a lawfully acquired copy of a computer programme, sound recording, visual recording or cinematograph film for non-profit purposes by a non-profit library or non-profit educational institution.”;

Explanation.—For the purposes of this clause, a “non-profit library or non-profit educational institution” means a library or educational institution which receives grants from the Government or exempted from payment of tax under the Income-tax Act, 1961.

43 of 1961.

(iii) for clause (ff), the following shall be substituted, namely:—

“(ff) “communication to the public” means making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available.

Explanation.—For the purposes of this clause, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public;”

(iv) in clause (gg), the following proviso shall be inserted, namely:—

“Provided that in a cinematograph film a person whose performance is casual or incidental in nature and, in the normal course of the practice of the industry, is not acknowledged anywhere including in the credits of the film shall not be treated as a performer except for the purpose of clause (b) of section 38B;”

(v) after clause (x), the following clause shall be inserted, namely:—

“(xa) “Rights Management Information” means,—

- (a) the title or other information identifying the work or performance;
- (b) the name of the author or performer;
- (c) the name and address of the owner of rights;
- (d) terms and conditions regarding the use of the rights; and
- (e) any number or code that represents the information referred to in sub-clauses (a) to (d),

but does not include any device or procedure intended to identify the user;”

(vi) after clause (xx), the following clause shall be inserted, namely:—

“(xxa) “visual recording” means the recording in any medium, by any method including the storing of it by any electronic means, of moving images or of the representations thereof, from which they can be perceived, reproduced or communicated by any method;”

Amendment
of section 11.

3. In section 11 of the principal Act,—

(a) in sub-section (1), for the words “not less than two nor more than fourteen other members”, the words “two other members” shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The salaries and allowances payable to and the other terms and conditions of service of the Chairman and other members of the Copyright Board shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman or any other member shall be varied to his disadvantage after appointment.”

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The Central Government may, after consultation with the Chairman of the Copyright Board, appoint a Secretary to the Copyright Board and such other officers and employees as may be considered necessary for the efficient discharge of the functions of the Copyright Board.”.

4. In section 12 of the principal Act, in sub-section (2), for the words “members, each Bench consisting of not less than three members”, the word “members” shall be substituted. Amendment of section 12.

5. In section 14 of the principal Act,—

Amendment of section 14.

(i) in clause (c), for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) to reproduce the work in any material form including—

- (A) the storing of it in any medium by electronic or other means; or
- (B) depiction in three-dimensions of a two-dimensional work; or
- (C) depiction in two-dimensions of a three-dimensional work;”;

(ii) in clause (d),—

(a) for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) to make a copy of the film, including—

- (A) a photograph of any image forming part thereof; or
- (B) storing of it in any medium by electronic or other means;”;

(b) for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film;”;

(iii) in clause (e),—

(a) in sub-clause (i), after the words “embodying it”, the words “including storing of it in any medium by electronic or other means” shall be inserted;

(b) for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording;”.

2 of 1911.
16 of 2000.

6. In section 15 of the principal Act, for the words and figures, “Designs Act, 1911”, wherever they occur, the words and figures “Designs Act, 2000” shall be substituted. Amendment of section 15.

7. In section 17 of the principal Act, in clause (e), the following proviso shall be inserted at the end, namely:— Amendment of section 17.

Provided that in case of any work incorporated in a cinematograph work, nothing contained in clauses (b) and (c) shall affect the right of the author in the work referred to in clause (a) of sub-section (1) of section 13;”.

8. In section 18 of the principal Act, in sub-section (1), after the proviso, the following provisos shall be inserted, namely:— Amendment of section 18.

“Provided further that no such assignment shall be applied to any medium or mode of exploitation of the work which did not exist or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work:

Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilisation of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copyright society for collection and distribution and any agreement to contrary shall be void:

Provided also that the author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilisation of such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void."

Amendment
of section 19.

9. In section 19 of the principal Act,—

(i) in sub-section (3), for the words "royalty payable, if any", the words "royalty and any other consideration payable" shall be substituted;

(ii) after sub-section (7), the following sub-sections shall be inserted, namely:—

"(8) The assignment of copyright in any work contrary to the terms and conditions of the rights already assigned to a copyright society in which the author of the work is a member shall be void.

(9) No assignment of copyright in any work to make a cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilisation of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.

(10) No assignment of the copyright in any work to make a sound recording which does not form part of any cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable for any utilisation of such work in any form."

Amendment
of section
19A.

10. In section 19A of the principal Act,—

(i) in sub-section (2), in the second proviso, for the words "Provided further that", the following shall be substituted, namely:—

"Provided further that, pending the disposal of an application for revocation of assignment under this sub-section, the Copyright Board may pass such order, as it deems fit regarding implementation of the terms and conditions of assignment including any consideration to be paid for the enjoyment of the rights assigned:—

Provided also that";

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every complaint received under sub-section (2) shall be dealt with by the Copyright Board as far as possible and efforts shall be made to pass the final order in the matter within a period of six months from the date of receipt of the complaint and any delay in compliance of the same, the Copyright Board shall record the reasons thereof."

Amendment
of section 21.

11. In section 21 of the principal Act,—

(i) in sub-section (1), for the words "the Registrar of Copyrights", the words "the Registrar of Copyrights or by way of public notice" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) The Registrar of Copyrights shall, within fourteen days from the publication of the notice in the Official Gazette, post the notice on the official website of the Copyright Office so as to remain in the public domain for a period of not less than three years."

12. In section 22 of the principal Act, the brackets and words "(other than a photograph)" shall be omitted. Amendment of section 22.
13. Section 25 of the principal Act shall be omitted. Omission of section 25.
14. In section 30 of the principal Act, for the words "writing signed by him", the words "writing by him" shall be substituted. Amendment of section 30.
15. In section 30A of the principal Act and in its marginal heading, for the words, figures and letter, "section 19 and 19A", the word and figures "section 19" shall be substituted. Amendment of section 30A.
16. In section 31 of the principal Act,— Amendment of section 31.
- (i) in sub-section (1),—
- (a) for the words "any Indian work", the words "any work" shall be substituted;
- (b) for the words "licence to the complainant" the words "licence to such person or persons who, in the opinion of the Copyright Board, is or are qualified to do so" shall be substituted;
- (c) the *Explanation* shall be omitted;
- (ii) sub-section (2) shall be omitted.
17. In section 31A of the principal Act,— Amendment of section 31A.
- (i) in the marginal heading, for the words "Indian works", the words "or published works" shall be substituted;
- (ii) for sub-section (1), the following sub-section shall be substituted, namely:—
- "(1) Where, in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a licence to publish or communicate to the public such work or a translation thereof in any language."
18. After section 31A of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 31B, 31C and 31D.
- '31B. (1) Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Copyright Board, in such form and manner and accompanied by such fee as may be prescribed, for a compulsory licence to publish any work in which copyright subsists for the benefit of such persons, in a case to which clause (zb) of sub-section (1) of section 52 does not apply and the Copyright Board shall dispose of such application as expeditiously as possible and endeavour shall be made to dispose of such application within a period of two months from the date of receipt of the application. Compulsory licence for benefit of disabled.
- (2) The Copyright Board may, on receipt of an application under sub-section (1), inquire, or direct such inquiry as it considers necessary to establish the credentials of the applicant and satisfy itself that the application has been made in good faith.
- (3) If the Copyright Board is satisfied, after giving to the owners of rights in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, that a compulsory licence needs to be issued to make the work available to the disabled, it may direct the Registrar of Copyrights to grant to the applicant such a licence to publish the work.
- (4) Every compulsory licence issued under this section shall specify the means and format of publication, the period during which the compulsory licence may be exercised and, in the case of issue of copies, the number of copies that may be issued including the rate or royalty:

Statutory
licence for
cover
versions.

Provided that where the Copyright Board has issued such a compulsory licence it may, on a further application and after giving reasonable opportunity to the owners of rights, extend the period of such compulsory licence and allow the issue of more copies as it may deem fit.

31C. (1) Any person desirous of making a cover version, being a sound recording in respect of any literary, dramatic or musical work, where sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work, may do so subject to the provisions of this section:

Provided that such sound recordings shall be in the same medium as the last recording, unless the medium of the last recording is no longer in current commercial use.

(2) The person making the sound recordings shall give prior notice of his intention to make the sound recordings in the manner as may be prescribed, and provide in advance copies of all covers or labels with which the sound recordings are to be sold, and pay in advance, to the owner of rights in each work royalties in respect of all copies to be made by him, at the rate fixed by the Copyright Board in this behalf:

Provided that such sound recordings shall not be sold or issued in any form of packaging or with any cover or label which is likely to mislead or confuse the public as to their identity, and in particular shall not contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which such sound recording was incorporated and, further, shall state on the cover that it is a cover version made under this section.

(3) The person making such sound recordings shall not make any alteration in the literary or musical work which has not been made previously by or with the consent of the owner of rights, or which is not technically necessary for the purpose of making the sound recordings:

Provided that such sound recordings shall not be made until the expiration of five calendar years after the end of the year in which the first sound recordings of the work was made.

(4) One royalty in respect of such sound recordings shall be paid for a minimum of fifty thousand copies of each work during each calendar year in which copies of it are made:

Provided that the Copyright Board may, by general order, fix a lower minimum in respect of works in a particular language or dialect having regard to the potential circulation of such works.

(5) The person making such sound recordings shall maintain such registers and books of account in respect thereof, including full details of existing stock as may be prescribed and shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording:

Provided that if on a complaint brought before the Copyright Board to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this section, the Copyright Board is, *prima facie*, satisfied that the complaint is genuine, it may pass an order *ex parte* directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty.

Explanation.—For the purposes of this section “cover version” means a sound recording made in accordance with this section.

31D. (1) Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

Statutory
licence for
broadcasting
of literary
and musical
works and
sound
recording.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the Copyright Board.

(3) The rates of royalty for radio broadcasting shall be different from television broadcasting and the Copyright Board shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (2), the Copyright Board may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors and the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

(7) The broadcasting organisation shall—

(a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and

(b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast,

in such manner as may be prescribed.

(8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012.

19. In section 33 of the principal Act,—

(i) in sub-section (1), for the words "provided further", the following shall be substituted, namely:—

Amendment
of section 33.

"Provided further that the business of issuing or granting license in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recordings shall be carried out only through a copyright society duly registered under this Act:

Provided also";

(ii) after sub-section (3), the following shall be inserted, namely:—

"(3A) The registration granted to a copyright society under sub-section (3) shall be for a period of five years and may be renewed from time to time before the end of every five years on a request in the prescribed form and the Central Government may renew the registration after considering the report of Registrar of Copyrights on the working of the copyright society under section 36:

Provided that the renewal of the registration of a copyright society shall be subject to the continued collective control of the copyright society being shared with the authors of works in their capacity as owners of copyright or of the right to receive royalty:

Provided further that every copyright society already registered before the coming into force of the copyright (Amendment) Act, 2012 shall get itself registered under this

Chapter within a period of one year from the date of commencement of the Copyright (Amendment) Act, 2012.”;

(iii) in sub-sections (4) and (5), for the words "owners of rights", the words "authors and other owners of right" shall be substituted;

(iv) in sub-section (5), after the word "concerned" the words "or for non-compliance of sections 33A, sub-section (3) of section 35 and section 36 or any change carried out in the instrument by which the copyright society is established or incorporated and registered by the Central Government without prior notice to it" shall be inserted.

Insertion of new section 33A.

Tariff Scheme by copyright societies.

20. After section 33 of the principal Act, the following section shall be inserted, namely:—

“33A. (1) Every copyright society shall publish its tariff scheme in such manner as may be prescribed.

(2) Any person who is aggrieved by the tariff scheme may appeal to the Copyright Board and the Board may, if satisfied after holding such inquiry as it may consider necessary, make such orders as may be required to remove any unreasonable element, anomaly or inconsistency therein:

Provided that the aggrieved person shall pay to the copyright society any fee as may be prescribed that has fallen due before making an appeal to the Copyright Board and shall continue to pay such fee until the appeal is decided, and the Board shall not issue any order staying the collection of such fee pending disposal of the appeal:

Provided further that the Copyright Board may after hearing the parties fix an interim tariff and direct the aggrieved parties to make the payment accordingly pending disposal of the appeal.”.

Amendment of section 34.

Omission of section 34A.

Amendment of section 35.

21. In section 34 of the principal Act, for the words “owner of rights”, wherever they occur, the words “author and other owners of right” shall be substituted.

22. Section 34A of the principal Act shall be omitted.

23. In section 35 of the principal Act and its marginal heading,—

(a) for the words “owners of rights”, wherever they occur, the words “author and other owners of right” shall be substituted;

(b) after sub-section (2), the following sub-sections shall be inserted, namely:—

(3) Every copyright society shall have a governing body with such number of persons elected from among the members of the society consisting of equal number of authors and owners of work for the purpose of the administration of the society as may be specified.

(4) All members of copyrights society shall enjoy equal membership rights and there shall be no discrimination between authors and owners of rights in the distribution of royalties.

Amendment of section 36A.

24. In section 36A of the principal Act,—

(a) for the words “performing rights society”, the words “copyright society” shall be substituted;

(b) for the words, brackets and figures “the Copyright (Amendment) Act, 1994”, the words, brackets and figures “the Copyright (Amendment) Act, 2012” shall be substituted.

38 of 1994.

Amendment of section 37.

25. In section 37 of the principal Act, in sub-section (3), for clause (e), the following clause shall be substituted, namely:—

“(e) sells or gives on commercial rental or offer for sale or for such rental, any such sound recording or visual recording referred to in clause (c) or clause (d).”.

26. In section 38 of the principal Act, sub-sections (3) and (4) shall be omitted.

Amendment of section 38.

27. After section 38 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 38A and 38B.

“38A. (1) Without prejudice to the rights conferred on authors, the performer's right which is an exclusive right subject to the provisions of this Act to do or authorise for doing any of the following acts in respect of the performance or any substantial part thereof, namely:—

Exclusive right of performers.

(a) to make a sound recording or a visual recording of the performance, including—

(i) reproduction of it in any material form including the storing of it in any medium by electronic or any other means;

(ii) issuance of copies of it to the public not being copies already in circulation;

(iii) communication of it to the public;

(iv) selling or giving it on commercial rental or offer for sale or for commercial rental any copy of the recording;

(b) to broadcast or communicate the performance to the public except where the performance is already broadcast.

(2) Once a performer has, by written agreement, consented to the incorporation of his performance in a cinematograph film he shall not, in the absence of any contract to the contrary, object to the enjoyment by the producer of the film of the performer's right in the same film:

Provided that, notwithstanding anything contained in this sub-section, the performer shall be entitled for royalties in case of making of the performances for commercial use.

38B. The performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right,—

Moral rights of the performer.

(a) to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance; and

(b) to restrain or claim damages in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

Explanation.—For the purposes of this clause, it is hereby clarified that mere removal of any portion of a performance for the purpose of editing, or to fit the recording within a limited duration, or any other modification required for purely technical reasons shall not be deemed to be prejudicial to the performer's reputation.

28. For section 39A of the principal Act, the following section shall be substituted, namely:—

Substitution of a new section for section 39A.

“39A. (1) Sections 18, 19, 30, 30A, 33, 33A, 34, 35, 36, 53, 55, 58, 63, 64, 65, 65A, 65B and 66 shall, with necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any broadcast and the performer's right in any performance as they apply in relation to copyright in a work:

Certain provisions to apply in case of broadcast reproduction right and performer's rights.

Provided that where copyright or performer's right subsists in respect of any work or performance that has been broadcast, no licence to reproduce such broadcast, shall be given without the consent of the owner of right or performer, as the case may be, or both of them:

Provided further that the broadcast reproduction right or performer's right shall not subsist in any broadcast or performance if that broadcast or performance is an infringement of the copyright in any work.

(2) The broadcast reproduction right or the performer's right shall not affect the separate copyright in any work in respect of which, the broadcast or the performance, as the case may be, is made."

Amendment
of section 40.

29. In section 40 of the principal Act, in the proviso, in clause (iii), after the words "the order relates", the words "but such a term of copyright shall not exceed the term of copyright provided under this Act" shall be inserted.

Amendment
of section
40A.

30. In section 40A of the principal Act, in sub-section (2), in clause (ii), the following proviso shall be inserted, namely:—

"Provided that it does not exceed the period provided under this Act;"

Amendment
of section 45.

31. In section 45 of the principal Act, in sub-section (1), in the proviso,—

(i) for the words "relation to any goods", the words "relation to any goods or services" shall be substituted;

(ii) for the words and figures "section 4 of the Trade and Merchandise Marks Act, 1958" the words and figures "section 3 of the Trade Marks Act, 1999" shall be substituted.

43 of 1958.
47 of 1999.

Amendment
of section 52.

32. In section 52 of the principal Act, in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:—

(a) a fair dealing with any work, not being a computer programme, for the purposes of—

(i) private or personal use, including research;

(ii) criticism or review, whether of that work or of any other work;

(iii) the reporting of current events and current affairs, including the reporting of a lecture delivered in public.

Explanation.—The storing of any work in any electronic medium for the purposes mentioned in this clause, including the incidental storage of any computer programme which is not itself an infringing copy for the said purposes, shall not constitute infringement of copyright."

(ii) for clauses (b), (c), (d), (e), (f), (g), (h), (i) and (j), the following shall be substituted, namely:—

"(b) the transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public;

(c) transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy;

Provided that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such access for a period of twenty-one days or till he receives an order from the competent court refraining from facilitating access and in case no such order is received before the expiry of such period of twenty-one days, he may continue to provide the facility of such access;

(d) the reproduction of any work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;

(e) the reproduction or publication of any work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;";

(f) the reproduction of any work in a certified copy made or supplied in accordance with any law for the time being in force;

(g) the reading or recitation in public of reasonable extracts from a published literary or dramatic work;

(h) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for instructional use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for such use in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

Explanation.—In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

(i) the reproduction of any work—

(i) by a teacher or a pupil in the course of instruction; or

(ii) as part of the questions to be answered in an examination; or

(iii) in answers to such questions;

(j) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a sound recording if the audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording;";

(iii) for clause (n), the following clause shall be substituted, namely:—

"(n) the storing of a work in any medium by electronic means by a non-commercial public library, for preservation if the library already possesses a non-digital copy of the work;";

(iv) in clause (o), for the words "public library", the words, "non-commercial public library" shall be substituted;

(v) after clause (v), the following clause shall be inserted, namely:—

"(w) the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device;

(vi) in clause (y), for the words "dramatic or", the words "dramatic, artistic or" shall be substituted;

(vii) after clause (za) and the *Explanation* thereunder, the following shall be inserted, namely:—

"(zb) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by—

(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(ii) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:

Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production:

Provided further that the organisation shall ensure that the copies of works in such accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

Explanation.—For the purposes of this sub-clause, “any organisation” includes and organisation registered under section 12A of the Income-tax Act, 1961 and working for the benefit of persons with disability or recognised under Chapter X of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 or receiving grants from the government for facilitating access to persons with disabilities or an educational institution or library or archives recognised by the Government.” 43 of 1961. 1 of 1996.

(zc) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or explanatory material, that is purely incidental to other goods or products being imported lawfully.”

Omission of section 52B.

33. Section 52B of the principal Act shall be omitted.

Substitution of new section for section 53.

34. For section 53 of the principal Act, the following section shall be substituted, namely:—

Importation of infringing copies.

“53. (1) The owner of any right conferred by this Act in respect of any work or any performance embodied in such work, or his duly authorised agent, may give notice in writing to the Commissioner of Customs, or to any other officer authorised in this behalf by the Central Board of Excise and Customs,—

(a) that he is the owner of the said right, with proof thereof; and

(b) that he requests the Commissioner for a period specified in the notice, which shall not exceed one year, to treat infringing copies of the work as prohibited goods, and that infringing copies of the work are expected to arrive in India at a time and a place specified in the notice.

(2) The Commissioner, after scrutiny of the evidence furnished by the owner of the right and on being satisfied may, subject to the provisions of sub-section (3), treat infringing copies of the work as prohibited goods that have been imported into India, excluding goods in transit:

Provided that the owner of the work deposits such amount as the Commissioner may require as security having regard to the likely expenses on demurrage, cost of storage and compensation to the importer in case it is found that the works are not infringing copies.

(3) When any goods treated as prohibited under sub-section (2) have been detained, the Customs Officer detaining them shall inform the importer as well as the person who gave notice under sub-section (1) of the detention of such goods within forty-eight hours of their detention.

(4) The Customs Officer shall release the goods, and they shall no longer be treated as prohibited goods, if the person who gave notice under sub-section (1) does not produce any order from a court having jurisdiction as to the temporary or permanent disposal of such goods within fourteen days from the date of their detention.”

35. In section 55 of the principal Act, in sub-section (2), for the portion beginning with the words "a name purporting to be" and ending with the words "as the case may be, appears", the following shall be substituted, namely:—

Amendment
of section 55.

"or, subject to the provisions of sub-section (3) of section 13, a cinematograph film or sound recording, a name purporting to be that of the author, or the publisher, as the case may be, of that work, appears".

36. In section 57 of the principal Act,—

Amendment
of section 57.

(i) in sub-section (1), in clause (b), the words "which is done before the expiration of the term of copyright" shall be omitted;

(ii) in sub-section (2), the words "other than the right to claim authorship of the work" shall be omitted.

37. After section 65 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
65A and 65B.

"65A. (1) Any person who circumvents an effective technological measure applied for the purpose of protecting any of the rights conferred by this Act, with the intention of infringing such rights, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

Protection of
technological
measures.

(2) Nothing in sub-section (1) shall prevent any person from,—

(a) doing anything referred to therein for a purpose not expressly prohibited by this Act:

Provided that any person facilitating circumvention by another person of a technological measure for such a purpose shall maintain a complete record of such other person including his name, address and all relevant particulars necessary to identify him and the purpose for which he has been facilitated; or

(b) doing anything necessary to conduct encryption research using a lawfully obtained encrypted copy; or

(c) conducting any lawful investigation; or

(d) doing anything necessary for the purpose of testing the security of a computer system or a computer network with the authorisation of its owner; or

(e) operator; or

(f) doing anything necessary to circumvent technological measures intended for identification or surveillance of a user; or

(g) taking measures necessary in the interest of national security.

65B. Any person, who knowingly,—

Protection of
Rights
Management
Information.

(i) removes or alters any rights management information without authority, or

(ii) distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority,

shall be punishable with imprisonment which may extend to two years and shall also be liable to fine:

Provided that if the rights management information has been tampered with in any work, the owner of copyright in such work may also avail of civil remedies provided under Chapter XII against the persons indulging in such acts."

Amendment
of section 66.

38. In section 66 of the principal Act, after the words "delivered up to the owner of the copyright," the words "or may make such order as it may deem fit regarding the disposal of such copies or plates" shall be inserted.

Amendment
of section 78.

39. In section 78 of the principal Act, in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:—

(a) the salaries and allowances payable to and the other terms and conditions of service of the chairman and other members of the Copyright Board under sub-section (2) of section 11;

(ii) after clause (c), the following clauses shall be inserted, namely:—

"(cA) the form and manner in which an organisation may apply to the Copyright Board for compulsory licence for disabled and the fee which may accompany such application under sub-section (1) of section 31B;

(cB) the manner in which a person making sound recording may give prior notice of his intention to make sound recording under sub-section (2) of section 31C;

(cC) the register and books of account and the details of existing stock which a person making sound recording may maintain under sub-section (5) of section 31C;

(cD) the manner in which prior notice may be given by a broadcasting organisation under sub-section (2) of section 31D;

(cE) the reports and accounts which may be maintained under clause (a), and the inspection of records and books of account which may be made under clause (b) of sub-section (7) of section 31D;";

(iii) after clause (cc), the following clauses shall be inserted, namely:—

"(ccA) the manner in which a copyright society may publish its Tariff Scheme under sub-section (1) of section 33A;

(ccB) the fee which is to be paid before filing an appeal to the Copyright Board under sub-section (2) of section 33A;";

(ccC) the form of application for renewal of registration of a copyright society and the fee which may accompany such application under sub-section (3A) of section 33;

(iv) clause (db) shall be omitted.

V. K. BHASIN,
Secretary to the Govt. of India.

No. D. 11029/4/2018-HMP(PS)
GOVERNMENT OF MIZORAM
HOME DEPARTMENT

Appendix - III

Dated Aizawl, the 7th Aug., 2018

NOTIFICATION

In the interest of public service, the Governor of Mizoram is pleased to upgrade the existing Cyber Crime Cell in the office of S.P. CID(Crime) to the Status of Cyber Crime Police Station with immediate effect.

The Cyber Crime Police Station will continue to be assigned the following roles and functions :-

1. Transfer of cases: For any cases purportedly involving cyber crime after being reported and registered at the concerned Police Station, approval of Director General of Police, Mizoram should be invariably obtained through concerned DIG Range for transfer to Cyber Crime Police Station for investigation, depending on the merit of the case.

2. Services: For retrieval of digital evidence, any concerned Sub Divisional Police Officer can project requisition to scan and access the flash memory of any electronic device suspected of being used and seized in the case for Call Detail Records (CDR), stored digital data, etc.

3. Consultancy: For efficient and successful handling of cyber crime cases, the Police Station will perform and exercise all the powers and duties of a Police Station pertaining to Cyber Crimes and render technical expertise and provide assistance to Investigating Officers of normal Police Station whenever necessary.

Sd/- Lalnunmawia Chuaungo
Principal Secretary to the Govt. of Mizoram
Home Department

Memo No. D. 11029/4/2018-HMP(PS) : Dated Aizawl, the 7th Aug., 2018.

Copy to:-

1. Secretary to the Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S. to Speaker/Ministers/Minister of State/Deputy Speaker, Mizoram.
4. Sr. P.P.S to Chief Secretary, Government of Mizoram.
5. Director General of Police, Mizoram.
6. Secretary, ICT Department, Government of Mizoram.
7. Chief Informatics Officer, ICT Department.
8. All Administrative Heads of Department, Government of Mizoram.
9. All Heads of Department, Government of Mizoram.
10. Deputy Inspector General, CID (Crime), Mizoram, Aizawl.
11. Superintendent of Police, CID (Crime), Mizoram Aizawl.
12. Controller, Printing & Stationery with 5 (five) spare copies for publication in the Mizoram Gazette.
13. Guard File.

Chief Informatics Officer
Deptt. of I.C.T.

P.B. of C.I.O

Deptt. of I.C.T.

Receipt No. 1226

Date 10.8.2018

(R. LALTHAZUALA)

Deputy Secretary to the Govt. of Mizoram
Home Department.

PART – A

**QUESTIONNAIRE FOR THE SURVEY ON COPYRIGHT
INFRINGEMENT IN THE MIZO COMMUNITY**
(For Writers/Poet/Artist)

Name :
Number of years of writing experience :
Occupation :
Number of Books published :

1. Do you have any knowledge about Copyright Act?
 - (a) Yes
 - (b) No
 - (c) Not at all
2. Have you ever gone through the provisions of the Copyright Act, 1957?
 - (a) Yes
 - (b) No
 - (c) Not at all
3. Do you know that even without permission creative works can be used for fair use?
 - (a) Yes
 - (b) No
 - (c) Not at all
4. Copyrights are generally infringed in the Mizo community?
 - (a) Agree
 - (b) Disagree
 - (c) No idea
5. Infringement affects reputation?
 - (a) Agree
 - (b) Disagree
 - (c) No idea
6. Do you know about method of granting copyright protection?
 - (a) Yes
 - (b) No
 - (c) No idea

7. It is difficult to prove copyright infringement?
- (a) Agree
 - (b) Disagree
 - (c) No idea
8. Do you suffer economic losses due to infringement?
- (a) Yes
 - (b) No
 - (c) Not at all
9. Enforcement of Copyright Act is poor in Mizoram?
- (a) Agree
 - (b) Disagree
 - (c) No idea
10. The Copyright Act, 1957 provides adequate remedy for infringement of copyrights?
- (a) Agree
 - (b) Disagree
 - (c) No idea
11. Do you agree that registration of intellectual works under the Copyright Act, 1957 is beneficial?
- (a) Agree
 - (b) Disagree
 - (c) No idea
12. Have seen persons being booked for copyright violation?
- (a) Yes
 - (b) No
 - (c) Not at all
13. Royalty payment is the only option for payment of literary works?
- (a) Agree
 - (b) Disagree
 - (c) No idea
14. Do you think there is adequate awareness amongst users of copyrighted works about the Copyright Law in the Mizo community?
- (a) Yes
 - (b) No
 - (c) Not at all
15. Do you believe that proficiency level of professionals involved in litigation pertaining Copyright Act needs to be updated?

- (a) Yes
- (b) No
- (c) Not at all

16. Strict application of the principle of protection of copyright hampers economic and cultural development of the society?

- (a) Agree
- (b) Disagree
- (c) No idea

17. Arranging of seminar / workshop etc on piracy and other aspects of copyright for general public and educational institutions is a must for curbing Copyright infringement?

- (a) Agree
- (b) Disagree
- (c) No idea

18. Do you agree that most of the people positively inclined towards copyright protection?

- (a) Agree
- (b) Disagree
- (c) No idea

19. Do you experience infringement of your copyright work?

- (a) Yes
- (b) No
- (c) Not at all

If Yes, please elaborate:

Thank you for your kind responses and sparing your valuable time

Draft & Prepared by

**K. Remruatfela
Ph.D Research Scholar**

PART – B

**QUESTIONNAIRE FOR THE SURVEY ON COPYRIGHT
INFRINGEMENT IN THE MIZO COMMUNITY**

*(Functionaries from ‘Department of Science & Technology’;
Law & Judicial Department & Law Court)*

Name :
Number of years of working experience :
Designation :
Name of Office :

1. Copyrights are generally infringed in the Mizo community?
 - (a) Agree
 - (b) Disagree
 - (c) Neutral
2. Compensation is the adequate remedy for infringement of Copyright?
 - (a) Agree
 - (b) Disagree
 - (c) No idea
3. It is difficult to prove copyright infringement?
 - (a) Agree
 - (b) Disagree
 - (a) No idea
4. Copyright law is ineffective?
 - (a) Agree
 - (b) Disagree
 - (c) No idea
5. Enforcement of Copyright Act is poor in Mizoram?
 - (a) Agree
 - (b) Disagree
 - (c) No idea
6. The Copyright Act, 1957 does not provide strong protection from infringements?
 - (a) Agree
 - (b) Disagree

- (c) No idea
7. Punishment or fine of infringement is adequate?
- (a) Yes
 - (b) No
 - (c) Not at all
8. There is a need to adapt provisions of Indian Copyright Law in consonance with the Mizo community?
- (a) Agree
 - (b) Disagree
 - (c) No idea
9. Registration of intellectual works under the Copyright Act, 1957 is beneficial?
- (a) Agree
 - (b) Disagree
 - (c) Not at all
10. The Copyright Act, 1957 registration of copyrights shall be compulsory?
- (a) Agree
 - (b) Disagree
 - (c) No idea
11. The currently existing legal provisions and enforcement machinery in Mizoram is adequate?
- (a) Agree
 - (b) Disagree
 - (c) No idea
12. Do you think there is adequate awareness amongst users of copyrighted works about the Copyright Law?
- (a) Yes
 - (b) No
 - (c) Not at all
13. Strict application of the principle of protection of copyright hampers economic and cultural development of the society?
- (a) Agree
 - (b) Disagree
 - (c) No idea
14. Arranging of seminar / workshop etc on piracy and other aspects of copyright for general public and educational institutions is a must for curbing Copyright infringement?
- (a) Agree



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NOTIFICATION

THE STATE OF MIZORAM ADAPTATION OF LAWS ORDER (NO 2) 1987.

No. LJD. 10, the 20th March, 1987. Whereas by sub-section (2) of section 43 of the State of Mizoram Act, 1986 for the purpose of facilitating the application of any law in relation to the State of Mizoram, the Government of the State of Mizoram as the appropriate Government is empowered, by order, to make such adaptation and modifications of the law whether by way of repeal or amendment, as may be necessary or expedient ;

Now, therefore in exercise of the power aforesaid, the Government of State of Mizoram hereby makes the following orders namely :—

I. (1) This order may be called the State of Mizoram Adaptation of Laws Order (No. 2) 1987.

(2) It shall be deemed to have come into force on the 20th day of February, 1987.

2. In this order :

(a) 'Appointed Day' means the 20th day of February, 1987.

(b) 'Law' has the same meaning as is assigned to it in clause (f) of section 2 of the State of Mizoram Act, 1986.

(c) 'Mizoram' means the State of Mizoram formed under section 3 of the State of Mizoram Act, 1986.

3. As from the appointed day, the existing laws with the adaptation, amendments, modifications, or exception to which they had been subjected before the appointed day and which were applicable to in the Union Territory of Mizoram and continue to be applicable to the State of Mizoram or in any part thereof by virtue of provisions of sub-section (1) of section 43 of the State of Mizoram

Act, 1986 shall until altered, repealed or amended by a competent authority, have effect, subject to the adaptation and modification as indicated hereinafter.

4. Wherever the expression 'Administrator' or 'Administrator appointed under Article 239 of the Constitution of India' occurs in the Preambles of any law, the said expression shall be substituted by the words 'Governor' or 'Governor of Mizoram'.

5. Wherever the words 'Administrator' or 'Administrator appointed under Article 239 of the Constitution of India' occurs in the definition of any law defined in para 2(b) of this order ; the said words shall be substituted by the words 'State Government' or 'Government means the Government of Mizoram' as the case may be and in the text of any such law the said word 'Administrator' shall be substituted by the word 'State Government', and ;

The words 'Government' or 'Government of the Union Territory of Mizoram' shall be substituted by the words 'Government' or 'State Government of Mizoram' respectively and further

The words 'Union Territory of Mizoram' shall be substituted by the words 'State of Mizoram'.

6. In rules 'Rules for the Regulation of the Procedures of Officers appointed to Administer Justice in the Lushai Hills 1937, for the word 'Administrator' as adopted in the Adaptation of Laws Order, 1972 dated 25/3/1972, the words 'Governor of Mizoram' shall be substituted and the words 'or the State Government' shall be added thereafter.

7. In the Acts, Rules and Regulations made by the erstwhile Mizo District Council.

for the words, 'Governor' or 'Governor of Assam' appearing in preambles and substituted as 'Administrator' by the Adaptation Order of 1974, the words 'Governor' or 'Governor of Mizoram' shall now be substituted

and

for the word, 'Administrator' substituted or introduced vide Adaptation Order of 1974, the words 'Government of Mizoram or the State Government of Mizoram' as the case may be shall now be substituted,

8. In the laws, regulations, orders, notifications, schemes, instructions or other instrument made by a District Council, in the preamble thereof, the word 'Administrator' shall be substituted by the words 'Governor' or 'Governor of Mizoram' as the case may be.

and

(b) In the definitions thereof, wherever the words 'Administrator' or 'Administrator appointed under Article 239 of the Constitution of India' occur, the words 'State Government' or 'Government means the Government of Mizoram' shall be substituted as the case may be.

and further

(c) In the text of any such law as mentioned in para 8 of this order the words 'Administrator' or like expression shall be substituted by the words 'State Government'.

9. The provisions of this Order which have effect of modifying any existing law so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done before the appointed day and any such notification, order, commitment, attachment, bye-law, rule, regulation or thing may be revoked, varied or undone in the like manner to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this order by the competent authority and under and in accordance with the provisions then applicable to such a case.

10. Any Court, Tribunal or authority required or empowered to enforce any law in force in the territory of Mizoram or part thereof immediately before the appointed day shall, notwithstanding that this Order makes no provision or insufficient provision for the adaptation of the law, construe the law with all such adaptations as are necessary for the purpose of facilitating its application.

K.N. Srivastava,
Secretary to the Government of Mizoram,
Law, Judicial and Parliamentary Affairs
Department.

- (b) Disagree
- (c) No idea

15. It is a high time to turn up of the nodal agency which has to interact between right-holders, users and the society?

- (a) Agree
- (b) Disagree
- (c) No idea

16. Nodal agency gets enough support from the Copyright administration/State government?

- (a) Agree
- (b) Disagree
- (c) No idea

17. Do you agree that the Copyright cell functioning in each State should be a dynamic one and equipped with all facilities?

- (a) Agree
- (b) Disagree
- (c) No idea

18. Do you agree that most of the people positively inclined towards copyright protection?

- (a) Agree
- (b) Disagree
- (c) No idea

If Yes, please elaborate:

Thank you for your kind responses and sparing your valuable time

Draft & Prepared by

**K. Remruatfela
Ph.D Research Scholar**



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NOTIFICATION

No. A.49011/29/2009-LJD, the 4th March, 2009. Whereas there has been a long felt need to review the laws of the state and applicability of Central laws, by means of revision new enactment or by other appropriate means and to recommend to the State Govt. their findings, particularly the laws framed by the erstwhile Mizo District Council ;

And whereas, to achieve the above purpose there is a necessity to constitute a Law Commission with specific objectives ;

Now, therefore, the Governor of Mizoram is pleased to constitute the State Law Commission, as follows :-

1. Short title, extent and commencement	1) These Rules may be called the Mizoram State Law Commission Rules, 2009.
	2) It shall extend to the whole of the state.
	3) It shall be deemed to have come into force from the 16th February, 2009.
2. Constitution of the Commission	: The State Government shall constitute a State Law Commission by a notification published in the Mizoram Gazette.
3. Composition	: (1) The State Law Commission shall consist of the following :-

- 1) Chairman
- 2) Advocate General, Mizoram - Ex-Officio Member
- 3) Commissioner/Secretary Law and Judicial Department - Ex-Officio Member
- 4) Chief Executive Member
Mara Autonomous District Council - Ex-Officio Member
- 5) Chief Executive Member
Lai Autonomous District Council - Ex-Officio Member
- 6) Chief Executive Member Chakma
Autonomous District Council - Ex-Officio Member
- 7) President, Mizoram Bar Association - Member
- 8) President, Mizoram Judicial Service
Association - Member
- 9) Deputy Secretary, Law and Judicial
Department - Ex-Officio
Member Secretary

(2) The Chairman shall be appointed by the State Government of Mizoram and the Government may also nominate other non-official members not exceeding three for the Commission.

- 4 Rank and Status of Chairman : The service conditions, rank and status of Chairman shall be such as may be decided by the State Government from time to time.
5. Place of sitting : The State Law Commission shall ordinarily sit at Aizawl in a notified place.
6. Functions : The functions of the Commission shall be as follows :-
 - 1) To identify laws which are no longer needed or relevant and which are liable to be repealed.
 - 2) To identify laws which are not in harmony with changing times or modern times and which need change.
 - 3) To identify laws which require changes or amendments in the normal course.
 - 4) To consider any reference as may be made to it by the Law and Judicial Department.
 - 5) To consider and suggest codification of the tribal customary laws.
 - 6) To identify the need for making State amendments to Central Acts to conform to Mizoram and the people of Mizoram.

- 7) Such other functions as may be assigned by the State Government.
7. Term of office : The term of the Law Commission shall be initially for a period of five years to be further extended from time to time, during which the Commission is to submit to the State Government its recommendations.
8. Sitting allowance : Sitting allowances to non-official members shall be paid as such rate (s) may be decided by the State Government from time to time.
9. Vacancy : Any vacancy in the office of the Commission shall be filled up as decided by the State Government from time to time.
10. Power to hold discussions : The Commission is empowered to hold discussions with individual departments and to call for any details from any departments in connection with its works. All Secretaries to the State Government would extend maximum co-operation to the Commission with a view to facilitate the work of the Commission.
11. Residuary power : Power to make modification, amendment or otherwise as may be required in connection with the constitution of the Law Commission shall vest with the State Government.
12. Miscellaneous : This supersedes the Government Notification No.A.49011/29/2009-LJD dt.16.2.2009.

By Order etc.

P. Chakraborty,
Commissioner/Secretary to the Govt. of Mizoram

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ABSTRACT

ADMINISTRATION OF COPYRIGHT PROTECTION IN INDIA: A STUDY OF COPYRIGHT INFRINGEMENT IN MIZORAM

**AN ABSTRACT SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF
PHILOSOPHY**

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DEPARTMENT OF PUBLIC ADMINISTRATION

SCHOOL OF SOCIAL SCIENCES

FEBRUARY, 2026

ADMINISTRATION OF COPYRIGHT PROTECTION IN INDIA:

A STUDY OF COPYRIGHT INFRINGEMENT IN MIZORAM

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**In partial fulfillment of the requirement of the Degree of Doctor of Philosophy
in Public Administration of Mizoram University, Aizawl.**

Introduction

Copyright is a branch of Intellectual property right and is a creation of statute. In broad, it means when a person initiates their ideas into some form of work, automatically it becomes a copyrighted work and the Copyright holder has the exclusive right to do, authorise and prevent others not to do such acts without the authorization of the copyright holder. If anyone performs an act on a copyrighted work without authorization, they are infringing on the copyright.

It is an exclusive right to reproduce or copy a work that belongs to the author. It is the right, either directly or through authorized agents, to conduct specific activities with literary, dramatic, musical, and creative works as well as with motion pictures and sound recordings. Copyright reflects creative labor and is a result of human skill and mental power. It falls within the category of intellectual property, which is defined as property produced by the "human brain."

Copyright laws are designed to encourage authors, composers, and singers to create original works by providing them with the exclusive right to utilize their creations and the opportunity to earn money, at least for a certain period of time, without having them replicated. Because of the progress in science, technology, and other areas, there have been many instances of dishonest people stealing original works of art and using them to their own detriment. It was thought necessary to enact laws like the Copyright Act to protect writers whose brains and human skills must be useful for increasing revenue for their financial growth.

Meanwhile, owing to the advances in technology and increased commercial viability, copyright infringement has become more widespread. Copyright infringement has now become a great menace even in the community. In fact, Copyright ownership conflicts are a major issue these days. Writers, songwriters, singers, and other creators of intellectual works have all been financially exploited by infringers who replicate their original works for their personal gain without giving

proper acknowledgment. Similarly, copyright piracy has become a major problem even inside the Mizo community.

In the meantime, it is thought that the authorities have not yet appropriately implemented the Copyright Act, 1957, and protected the rights of the authors of the copyrighted works to this day, which could lead to the moral and financial deterioration of daily life. Many authors of copyrighted works sleep over their rights without receiving a suitable remedy, even when their work has been violated, because of administrative inefficiencies and a lack of public awareness. They don't know where to find a remedy or damages, or how to sue the offender. At the same time, it appears that the perpetrator was also not aware of the repercussions for infringing other intellectual works. Therefore, to promote the moral and economic advancement of society and increase public awareness of civic duty, a solid understanding of copyright law is required.

This study provided an analytical analysis of these concerns with an emphasis on literary works by referencing the Copyright Act of 1957 and conducting interviews with relevant parties. The study also examined whether copyright breaches are widespread in the Mizo community and how they negatively impact the moral and economic fabric of society. The researcher aimed to critically examine existing copyright laws and provide succinct, intelligible answers in order to raise awareness among the authorities of the need to amend the Indian Copyright Act to accommodate the social context of the Mizo population

The owner of a copyright has the exclusive and absolute right to perform all acts related to the work for which they got the copyright. If anyone performs an act on a copyrighted work without authorization, whether through consent, a license, or assignment, and commercially exploits the work for profit, they are infringing on the copyright¹. Due to advances in technology and increased commercial viability, the prevalence of copyright infringement has increased.

Man is created as a social animal, meant to live together with dignity. All men have their own inner qualities, unique talents, thoughts, and abilities. When each

of their ideas is turned into a work, it automatically becomes a copyrighted work, and the owner of the copyright has the sole authority to do or permit others to do so with regard to his creative work and to forbid others from doing so without his consent.

Review of Literature

There are numerous books that discuss Mizoram's Administrative structure, Intellectual Property Rights (IPR), and Copyright legislation. Nevertheless, there isn't a single book or journal that specifically addresses Copyright regulations and copyright violations pertaining to the Mizo community. The following is a survey of the books that addressed Mizoram's administrative structure and copyright law in general:

RN Prasad (1987) in his book '*Government and Politics in Mizoram*' draws attention to the Mizos' ethnological, cultural, and administrative background. It also discusses how early politics developed and led to the establishment of the District Council for the Mizos and the Regional Council for the major tribes - Pawi, Lakher, and Chakma, who were then able to handle their local affairs independently. In addition to other political groups, it examines the Mizo National Front, violence, secessionism, counterinsurgency tactics, and their effects on socioeconomic development, electoral politics, and voting patterns. Additionally, there has been discussion of the constitutional politics that led to the creation of the Mizoram/State and government union territory.¹

Hargovind Joshi (2005) in his book '*Mizoram: Past & Present*' portrayed the tumultuous history of Mizoram and Mizo society in great detail. Covering Mizoram's previous history, social mores, ethnicity, culture, economic advancements, polity, administration, etc., this compendium provides authentic kaleidoscopic narrative. It is predicated on secondary sources, including government records, notices, journals,

¹ RN Prasad (1987): Examined the growth of early politics resulting in the formation of the District Council for the Mizos and the Regional Council for the major tribes, pawi lakher and chakma to manage their local affairs by their own genius

Prasad, RN (1987). *Government and Politics in Mizoram*. Vikas Publication House.

novels, British official memoirs, committee and commission reports, and the research findings of Mizo academics and other researchers. A Current Overview of Mizoram Among the main subjects that are thoroughly discussed are the following: Historical Review; Social Life in Family and Village; Religion and Transformation; Art, Crafts, and Cultural Forms; Towards Economic Growth and Development; Development Strategy; and Phase of Insurgency in Mizoram.²

RN Prasad & P. Chakraborty (2006) in their book '*Administration of Justice in Mizoram*' focuses on the two justice systems that coexist and produce mess/hutch-putch: custom-based justice and contemporary legal justice based on the rule of law. Justice based on custom is not codified. The 1937 justice regulations, which were created by the colonial rulers, form the basis of contemporary law. Previously, the Mizo Society had virtually no crime. The creation of neo-middle-class rich and poor people, the concentration of riches at the top and poverty at the bottom of the social hierarchy, the expansion of the money economy, and the weakening of social ties are all contributing factors to the current rise in criminal and civil crimes.³

J. Zorema (2007) in his book '*Indirect Rule in Mizoram 1890 – 1954*' covers critical analysis of the British rule in the Assamese Lushai Hills, which was continued by the traditional Lal or Chiefs from the establishment of the Lushai Hill District in 1898 to the abolition of chiefship in 1954. The work of the succeeding superintendents in upholding and bolstering the indirect rule or rule through the chiefs system is especially highlighted in the book. The dynamics and factors that put

² Hargovind Joshi (2005): Analysed the statutory provision of law in respect to law relating to copyright and compared Copyright law in India with the foreign countries, especially America and England.

Joshi, Hargovind (2005). *Mizoram: Past & Present*. Mittal Publications.

³ RN Prasad & P. Chakraborty (2006): Examined, compared and analyzed the pre-independent and post-independent justice rules in Mizoram.

Prasad, RN & Chakraborty, P (2006). *Administration of Justice in Mizoram*. Mittal Publications.

the system under stress and ultimately led to its demise are also thoroughly examined.⁴

Jagadish Kumar Patnaik (2008) in his book '*Mizoram - Dimensions & Perspectives*' addressing Mizoram with the postaccord. Its contents differ from those of popular literature. This book explores additional implications of civil society, in contrast to the conventional method of connecting everything to the disruptions the state experienced during its creation as a distinct state of the Indian Union. In light of empirical reality, the authors of this volume have attempted to sort through these. The collection includes the contributions of numerous academics working in the topic, the bulk of whom are young Mizo researchers.

KC Kabra (2008) in his book, '*Economic growth of Mizoram*' aims to understand the dynamics of the socio-psychic system through twenty-two papers presented at the 15th Annual Conference of the National Academy of Psychology, held in Faizabad. Social discrimination, social identity development, citizenship, intercultural relationships, cognitive artifacts, vedantic action, theory of mind, attachment pattern, disability, belief systems, coping with illness, health, and well-being in relation to Mizoram are just a few of the many topics it covers.⁵

PM Bhaksi (2009) in his book '*The Constitution of India*' got comprehensive coverage on the constitution which provides the most accurate and up-to-date information on legislative developments and significant judicial pronouncement. It

⁴ J. Zorema. (2007): Examined British administration in the Lushai Hills of Assam carried on through the traditional Chiefs or Lal from the creation of the Lushai Hill District in 1898 to the end of Chiefship in 1954
Zorema, J (2007). *Indirect Rule in Mizoram 1890 – 1954*. Mittal Publications.

⁵ KC Kabra (2008): Comprehended the dynamics of the socio-psychic system in Mioram.
Kabra, KC (2008). *Economic growth of Mizoram*. Concept Publishing Company Pvt. Ltd.

covers all the amendments up to the Constitution (One Hundred and Fifth Amendment) Act, 2021.⁶

Rintluanga Pachuau (2009) in his book '*Mizoram: A study in comprehensive geography*' limited to geographic analysis and description of Mizoram. It provides a comprehensive overview of the nation's least well-known state from the viewpoints of several geographic disciplines. The book is actually the result of the author's battle to gather pertinent material during his time as a research scholar and instructor. He made it his mission to provide trustworthy data and information in order to meet the demands of students and other research scholars. This is accomplished by thoroughly comparing the data, confirming their legitimacy before using them solely for analysis. The book stands out from other books about Mizoram geography or anything else because of its effort, data authenticity, methodical presentation, and pictures.⁷

Sukanta Kumar Nanda (2009) in his article "*Evolution and Development of Law of Copyrights*" mentioned the nature of intellectual property and traced the dynamic changes and development of Copyright law in India. He particularly confines his work on India and excludes the evolution of copyright legislation in other countries.⁸

BL Hansaria (2010) in his book '*Six Schedule of Indian Constitution*' gave an in-depth analysis of the constitutional provisions with reference to the recent decided cases on the subject. The book is a 'comprehensive compendium' of information

⁶ PM Bhaksi (2009): Covered all the chapters of the Indian constitution and provided the most accurate and up-to-date information on legislative developments and significant judicial pronouncement.

Bhaksi, PM (2009). *The Constitution of India*. Eastern Book Company.

⁷ Rintluanga Pachuau (2009): Analyzed the geographical description of Mizoram. It also provided a comprehensive overview of the nation's least well-known state from the viewpoints of several geographic disciplines

Pachuau, Rintluanga (2009). *Mizoram: A study in comprehensive geography*. Northern Book Centre.

⁸Sukanta Kumar Nanda (2009): Traces the development of copyright law in India without comparing it to international trends.

Nanda, S. K. (2009). *Evolution and Development of Law of Copyrights*. Edward Elgar Publishing

related to sixth schedule. It gives an insight to the nature of the sixth schedule enshrined under the constitution of India. It is an important addition to the subject which fills the vacuum in this branch of law.⁹

P. Jagannathan (2010) in his book, '*Intellectual Property Rights – II*' covering all pertinent intellectual property laws in India in order to comprehend and adapt to the evolving needs of society, innovative law, and creative activity that benefits society. The book was put together with the intention of raising readers' awareness of IPR and acquainting them with the legal and administrative processes around intellectual property rights in India. It is not limited to copyright laws and their violations. It draws attention to the fundamentals of copyright law generally.¹⁰

Cheryl L Slay & David J Moser (2012) in their book, '*Music Copyright Law*' encompasses the examination of the relevant law in-force in respect to the musical industry. It is vital for an in-depth understanding of the foundation of the musical industry and how it is protected through the copyright law. The author highlights the common problems of all the persons involved in the musical industry like Songwriters, Singers, Musicians, Directors, etc., and also vehemently emphasises the benefits of registering their works under copyright law. Also, the author mentioned the precautionary measures against economic exploitation, and what to do when our copyrighted material has been infringed upon. It is narrow and inclusive, and is useful in showing the basic structural foundation of the protection of the musical industry available under copyright law.¹¹

⁹ BL Hansaria (2010): Analysed the constitutional provisions with reference to the recent decided cases on the subject.

Hansaria, BL (2010). *Sixth Schedule of Indian Constitution*. Universal Law Publishing Company.

¹⁰P. Jagannathan (2010): Jagannathan's work focuses broadly on intellectual property rights in India, not limited to copyright law.

Jagannathan, P. (2010). *Intellectual Property Rights – II*. Usha Jaganath Law Series.

¹¹Cheryl L. Slay & David J. Moser (2012): Focuses on copyright issues in the music industry and the protection of creative works, without exploring deeper legal complexities.

Slay, C. L., & Moser, D. J. (2012). *Music Copyright Law*. Boston Publishing.

Andres Sawicki (2015) in his book '*Repeat on infringement in the Digital Millennium Copyright*' highlights the repeated and the common form of infringement of others Copyright work in respect to Digital work. He illustrated the unintentional violation of copyright law, and the practices of digital users which can indirectly lead to the infringement of other's Copyrighted works.¹²

GB Reddy (2015) in his book, '*Copyright Law in India*' focuses on the law available for copyright protection which is presently relevant in force. It depicts a glimpse of the law available for the protection of copyright holders in India. The author has a critical study of the existing statutory law based on judicial verdicts, Judge's opinions and reviews. It also extensively highlights the co-relation of the Copyright law and the Constitution. The author particularly focuses on the rights and dignity of the copyright holders based on Constitutional rights, legal rights and statutory rights. Meanwhile, the author failed to focus on the duties and liabilities of the copyright holder, which they need to pay for the security of. It seems that the book is of a narrow-minded view and has an absence of comparative analytical study.¹³

M. Venkatarman (2016) in his book, '*A brief Insight of Copyright in India*' mainly focuses on the nature, origin and concept of copyright law in India. It conveys Copyright as one of the subject-matter of Intellectual property law and a key point in the field of human resource development. The author highlights the historical development of Copyright law and also covers a brief introduction of the Copyright Act, 1957 in a simple language and a simple manner. He depicts copyright law as an exclusive right for the copyright holder to utilise their innovative work for his personal gains without any economic exploitation from others. The book is not a

¹²Andres Sawicki (2015): Examines the unintentional infringement of copyright in the digital age. Sawicki, A. (2015). *Repeat on Infringement in the Digital Millennium Copyright*. University of Chicago Press.

¹³GB Reddy (2015): A critical study of Indian copyright law, but lacks focus on the duties and liabilities of copyright holders. Reddy, G. B. (2015). *Copyright Law in India*. Gogia Law Agency.

critical study of existing statutory law and is only a glimpse of an overall introduction of copyright law in India.¹⁴

Bharat Das (2017) in his article "*Enforcement of Right of Author under Copyright Law*," mentioned different kinds of rights available for the author and also highlights the law available for the enforcement of rights under Copyright law. The article is concentrated only on the rights of the author and failed to mention the responsibilities of the author.¹⁵ Akash Kamal Mishra (2020) in his book, '*Media Laws in India (A brief observation)*' illustrates a brief observation of the evolution of Media Law in India. The author highlights the historical background of Media in Ancient India, Medieval India and in the Modern India. It confined only on the development of Media law and how far it is embedded under the constitution of India. It also reflects the tendency of infringing other's copyrighted works in respect to Media law and also ends up with the suggestion on how to overcome it. Although the author wrote this book while excluding the intellectual property law, it is very instrumental to learn the sensitivity of unintentional infringement of other's copyrighted works in a different aspect and in a different manner.¹⁶

Justice Jay and Patel (2018) in his article "*Copyright Enforcement in India and Global World*," demonstrated the practical enforcement of copyright law in India and foreign countries. He critically analysed how far the laws of the state in respect to the Copyright laws have been enforced and what possible steps have been taken by the administrators for protecting the Copyright owners so far. He particularly

¹⁴M. Venkatarman (2016): This book serves as an introduction to copyright law in India, providing historical context without delving into critical analysis or enforcement challenges.
Venkatarman, M. (2016). *A Brief Insight of Copyright in India*. Independently Published.

¹⁵Bharat Das (2017): Focuses on the rights of authors but does not address their responsibilities under copyright law.
Das, B. (2017). *Enforcement of Rights of Authors under Copyright Law*. PHI Learning Publication.

¹⁶Akash Kamal Mishra (2020): Examines media law in India, highlighting the issue of unintentional copyright infringement in media.
Mishra, A. K. (2020). *Media Laws in India (A Brief Observation)*. Notion Press.

confines on the law of enforcement and does not go into detail about the study of the law's origin, nature, concept and objectives of Copyright law.¹⁷

Kung Chung Liu & Racherla Uday (2019) in their book, '*Innovation, Economic Development, and Intellectual Property in India and China: Comparing Six Economic Sectors*' reflects a comparison of the two countries i.e. India and China in the development of the big six economic sectors by ways of Innovation, Economic Development and Intellectual property. The author analyses these governances systematically and tries to find out of how they can have a great impact for the fostering of the six economic sectors in both countries. It does not focus on intellectual property but on the role and importance of creativity/creative works for the boosting of economic sectors. The book highlights the impact of intellectual property in six economic sectors of India and China. Though, it does not talk about the copyright law and copyright infringement, but it is instrumental in learning of the nature and the basic concept of intellectual property law.¹⁸

Animesh Ray (2020) in his book '*Mizoram*' particularly dealt about Mizoram. The Author categorized the knowledge of the book in the different sections like Land, Climate, People, Festivals & Clothing. He described Mizoram as a storehouse of natural beauty with its wide variety of landscapes, steep terrains, meandering streams, deep gorges, and abundant flora and wildlife while standing atop the high hills in the northeastern part.¹⁹

¹⁷Justice Jay and Patel (2018): Focuses on the enforcement of copyright law, without addressing the law's origin or broader concepts.

Jay, J., & Patel, (2018). *Copyright Enforcement in India and Global World*. Journal of Business Ethics.

¹⁸Kung Chung Liu & Racherla Uday (2019): Compares the role of intellectual property in India and China's economic development, without focusing on copyright law.

Liu, K. C., & Uday, R. (2019). *Innovation, Economic Development, and Intellectual Property in India and China*. Springer Verlag.

¹⁹ Animesh Ray (2020): Narrated the natural beauty of Mizoram categorizing in the different sections like Land, Climate, People, Festivals & Clothing.

Ray, Animesh (2020). *Mizoram*. National Book Trust

Patent Information Centre (2020) in the book, '*Mizoram Science & Technology & Innovation Council (MISTIC): Intellectual Property Rights*' covers Copyright law in the Mizo vernacular. The book covers the general introduction of Intellectual Property Rights and its branches like Patent, Trademark, Copyright, Design, Geographical Indication, Plant variety and Semiconductor Integrated Circuit layout design. It reflects the basic nature of all the branches of Intellectual Property Rights in a simple manner so as to educate the public in a broad way. Meanwhile, it is not an analytical study of intellectual property rights, and it does not cover the examination of Mizo society in consistence with the Copyright laws, which makes the book rather incomplete.²⁰

Sharma Ayush (2020) in his article, '*Indian Perspective of Fair Dealing under Copyright Law*', illustrated the stands of India in respect to the implementation of Copyright law. He critically analysed the concept of fair dealing and draws the limitation of the utilization of other's copyrights work by way of fair dealing. Meanwhile, as the article only confined on exceptional provisions of copyright infringement, there are numerous things left to study on Copyright law which needs further research.²¹

Jatindra Kumar Das (2021) in his book, '*Law of Copyright*' tries to analyse the judicial pronouncement in respect of copyright law in India as well as foreign Courts. It laid great stress on the analytical study of the statutory provision of law in respect to law relating to copyright. It also covers a comparative study of copyright law in India with the foreign countries, especially America and England. Its main aspect is

²⁰Patent Information Centre (2020): Overview of IPR in Mizoram, lacking in-depth analysis of copyright law in the region.
Patent Information Centre (2020). *MISTIC: Intellectual Property Rights*.

²¹Sharma Ayush (2020): Analyzes the concept of fair dealing in Indian copyright law but does not cover the broader scope of copyright issues.
Ayush, S. (2020). *Indian Perspective of Fair Dealing under Copyright Law*. National Law Institute University.

testing the relationship between statutory provision and the judicial verdict in respect to copyright law.²²

John Geiger & Howard Suber (2023) in their book, '*Creativity and Copyright*' gave a complete structural foundation of Intellectual Property law through international conventions, treaties and summits. It highlights how the law in respect to Intellectual property has been formed and how it has evolved. And among the intellectual property law, the author specifically confined on Copyright law. The book is important for understanding the line between copyrighted material and what they create. It reflects the relationship between creativity and copyrights and how it should be protected from any all kinds of infringement. However, it fails to draw the lines between copyright infringement and its general exception.²³

VS Abhida Beegum (2024) in his book, '*Indian Internet Copyright Law*' deals with the rights of copyright holder in the digital world. The author's main emphasis is the need to protect the copyright holder from unauthorised use of their copyright work, which leads to economic exploitation. The author vehemently urged the government to introduce a specific law for the protection of copyright holders, so as to inspire them to expand their creative ideas in a broader way without any fear and favour. In addition, he conducted a thorough analysis of the court ruling regarding copyright holder protection in relation to US law. The book pays little attention to other copyright rules and focuses only on the rights of the copyright holder.²⁴

²²Jatindra Kumar Das (2021): A comparative analysis of copyright law in India and foreign courts. Das, J. K. (2021). *Law of Copyright*. PHI Learning.

²³John Geiger & Howard Suber (2019): Focuses on the evolution of copyright law and its relationship with creativity but lacks clarity on copyright infringement exceptions. Geiger, J., & Suber, H. (2019). *Creativity and Copyright*. University of California Press.

²⁴Jatindra Kumar Das (2021): A comparative analysis of copyright law in India and foreign courts. Das, J. K. (2021). *Law of Copyright*. PHI Learning.

Research gap

Copyright law is a new issue in the Mizo community. It is pertinent to mention here that till date no attempt has been made for studying the problems and prospects of copyright infringement in respect of the Mizo community. There is no book or journal which particularly deals with copyright laws as well as copyright infringement in the Mizo community. Non-availability of material in respect of Mizo community is a major cause in the community. As such, the researcher inevitably needs to confine himself to the empirical method of study by interviewing various persons who are involved in literary works. This study filled this gap by investigating copyright awareness, enforcement challenges, and socio-economic consequences of infringement within Mizoram's distinct cultural-legal landscape.

Statement of Problem

The protection of creative works in Mizoram faced significant challenges that threatened both the economic rights of creators and the cultural integrity of artistic expressions. Despite the existence of the Copyright Act, 1957, the Mizo creative community struggled with widespread infringement that stemmed from multiple systemic failures. The digital revolution, while expanding opportunities for content distribution, had simultaneously made unauthorized copying and sharing of literary, musical, and artistic works alarmingly prevalent. This technological shift outpaced the state's capacity to enforce copyright protections effectively.

A critical examination revealed several interconnected issues that plagued Mizoram's copyright landscape. First, there existed a fundamental disconnect between the individualistic nature of copyright law and the Mizo community's traditional collective approach to knowledge and creativity. Second, enforcement mechanisms remained weak due to limited specialized infrastructure, including the absence of dedicated IP enforcement units and slow judicial processes for copyright cases. Third, awareness about copyright protections and registration processes remained dangerously low among both creators and the general public, exacerbated by language barriers and geographical isolation.

The consequences of these systemic failures were severe and multifaceted. Creators faced persistent economic losses as their works were routinely reproduced without authorization or compensation. This financial instability discouraged artistic innovation and professionalization of creative fields. Moreover, the uncontrolled adaptation and distribution of works led to cultural dilution and misrepresentation of traditional art forms. The situation not only undermined the livelihoods of individual artists but also threatened the preservation and ethical development of Mizoram's rich cultural heritage.

This study comprehensively analyzed these challenges through both legal and empirical lenses. It investigated how the unique socio-cultural context of Mizoram interacted with copyright law, why existing protections failed to prevent infringement, and what structural reforms could bridge this gap. Special attention was given to potential adaptations under Article 371G of the Indian Constitution, which granted Mizoram special provisions that could inform more culturally appropriate copyright solutions. The research ultimately proposed actionable policy recommendations that balanced legal protections with the preservation of Mizo creative traditions.

Scope of the Study

This study focuses on examining copyright infringement within the Mizo community of Mizoram, with particular emphasis on literary and artistic works protected under the Copyright Act, 1957. It explores the socio-legal challenges faced by creators, including writers, musicians, and artists, while addressing the conflict between traditional knowledge-sharing practices and modern copyright laws. The research is geographically limited to Mizoram, leveraging its unique cultural context under Article 371G of the Indian Constitution.

Methodologically, the study combines doctrinal analysis of legal provisions and case laws with empirical research, including surveys of 60 stakeholders (30 creators and 30 legal professionals). It assesses enforcement mechanisms, awareness levels, and administrative gaps in copyright protection within the state. However, it

excludes other forms of intellectual property like patents and trademarks, unless directly relevant. The findings aim to propose culturally sensitive policy reforms, such as localized awareness campaigns and improved legal redressal systems, tailored to Mizoram's distinct needs.

Objectives of the Study

1. To study the meaning and nature of the Copyright Act, 1957.
2. To study the basic concept of Copyright Infringement.
3. To examine whether Copyright Infringement has been ingrained in the Mizo Community.
4. To find out issue and challenges of Copyright Law in Mizoram.

Research Questions

1. What is the meaning and nature of the Copyright Act, 1957?
2. What is meant by Copyright Infringement?
3. Was Copyright Infringement deeply ingrained in the Mizo community?
4. How far has the State Government taken steps for Copyright Protection in Mizoram?
5. What are the issue and challenges of Copyright Law in Mizoram?

Methodology

The study employed a mixed-methods approach that strategically integrated doctrinal legal research with empirical survey-based data collection and policy analysis. This combination of qualitative and quantitative methodologies enabled a multi-dimensional investigation into awareness, enforcement, and challenges surrounding copyright law within Mizoram's unique socio-cultural and legal context as a northeastern Indian state with distinct tribal identity.

Given Mizoram's particular socio-legal landscape where traditional communal practices frequently coexisted or conflicted with modern intellectual property norms, this methodological approach provided nuanced understanding of

how copyright law was perceived, enforced, and operationalized at grassroots levels. The methodology was carefully designed to rigorously meet research objectives through triangulation of data sources, thereby enhancing both validity and reliability.

The research methodology is structured into three interrelated phases:

Phase 1: Doctrinal Legal Research

- This phase focused on analyzing statutory frameworks, judicial precedents, and relevant legal commentary
- It interpreted the legal text of the Copyright Act, 1957, particularly as it relates to tribal and indigenous cultural expressions.
- Special attention is given to, especially those relevant to or originating in the judgments from Indian Courts North-Eastern region, including Mizoram.

Phase 2: Empirical Survey Research

- This phase collected quantitative data through structured questionnaires and qualitative insights via open-ended responses from two core stakeholder groups: content creators (e.g., Artists, Musicians, Writers) and legal or enforcement professionals (e.g., Lawyers, Judges, Police).
- It evaluated is to evaluate awareness levels, infringement and enforcement experiences perceptions.

Phase 3: Integrated Policy & Enforcement Analysis

- This segment reviewed a government initiatives, institutional efforts, and policy documents.
- It identified implementation gaps, best practices, and offer policy recommendations for more effective copyright enforcement in Mizoram.

Research Design

The study utilized an exploratory-descriptive design appropriate for examining complex legal and socio-cultural phenomena. This framework supported both discovery and detailed explanation of emerging patterns and relationships.

Data collection methods

Primary Sources

- **Statutory Law**
 - Copyright Act, 1957, particularly:
 - Sections 13–15: Subject matter eligible for copyright.
 - Sections 51–55: Definitions and scope of infringement.
 - Sections 63–70: Penalties and legal remedies.
- **Judicial Precedents**
 - Landmark judgments from Indian courts, with a focus on cases related to indigenous rights, IPR enforcement, and regional jurisprudence from the Northeast.

Secondary Sources

- **Government Publications**
 - Copyright Office Reports
 - Mizoram State Intellectual Property Policy
- **Academic Literature**
 - Articles and Books on tribal IP rights, cultural appropriation, and customary law versus statutory law.

Empirical Survey Research

- Administered structured surveys (quantitative and qualitative components)
- Targeted two groups of 30 respondents each (creators and professionals)
- Used Purposive Sampling to ensure representative stakeholder inclusion

- Conducted over three months through face-to-face and online platforms
- Maintained ethical standards through informed consent and anonymization

Data Analysis Techniques

Quantitative Analysis

- Employed statistical tools (Excel/SPSS)
- Applied descriptive statistics and cross-tabulations
- Measured key metrics (awareness levels, enforcement ratings)

Qualitative Analysis

- Conducted thematic coding (e.g., "Lack of Awareness")
- Analyzed patterns across stakeholder groups
- Identified legal gaps in statutory provisions

Ethical Considerations

- Informed consent was obtained.
- Responses were anonymized to protect participant identities.

Chapterization

The Research work has been divided into seven chapters as stated under:-

CHAPTER - 1: Introduction

This was the introduction to the thesis. It is a prime illustration of copyright protection as it is enshrined in the legislation. It talks about the problem that the Mizo community has with literary works. It clarified the meaning and concept of the 1957 Copyright Act. Additionally, it includes a literature review, a research gap, a problem statement, the study's scope, objectives, research questions, methods, and chapterization.

CHAPTER - 2: An Overview of the Copyright Act, 1957

This chapter provided a thorough analysis of the Copyright Act of 1957, placing its provisions within the framework of Indian copyright's historical development. The definition and characteristics of intellectual property law, international agreements and conventions pertaining to intellectual property, and the history of the Copyright Act are all highlighted in order to provide a comprehensive picture of copyright law. This chapter also explores the administrative structure that oversees copyright law in India, including the functions and duties of the Copyright Board and copyright organizations, as well as the rules and regulations pertaining to copyright registration and copyright protection for works that are protected by copyright. In summary, this chapter provides a quick overview of the Copyright Act of 1957.

CHAPTER - 3: Copyright Infringement and its Essential Ingredients

The chapter included the broad principles of intellectual property law, copyright law, administrative protection of copyright infringement and its exceptions, corrective measures, and an analysis of a case involving copyright infringement that the Apex Court had already resolved. It provides information about fair use, which allows someone to use another person's copyrighted work without breaking any laws. It is a methodical investigation of how copyright protection is administered as interpreted under copyright law.

CHAPTER - 4: Copyright Awareness in the Mizo Community

This chapter focused specifically on the Mizo community's awareness of copyright. This study used a research style that blended questionnaires and interviews to make data collecting easier. This study is described as an empirical and non-doctrinal examination that aims to offer new perspectives and insights because there hasn't been any previous research in this area. It is, in essence, a quick analysis of Mizo works pertaining to copyright.

CHAPTER - 5: Administration of Copyright Protection in Mizoram

The chapter covered Mizoram's copyright law's administrative protection. It is a purposeful investigation of the extent to which the state of Mizoram has promoted intellectual property and the state's copyright legislation. It also looked at the government's initiative in carrying out the guidelines established under the 1957 Copyright Act. This study's primary goal is to identify the problems and difficulties with the state's copyright laws.

CHAPTER - 6: Results & Discussion

The chapter provided a critical study of the questionnaire that was distributed to the 60 Respondents. The survey's findings were documented in order to ascertain the degree of copyright infringement within the Mizo community and to have a better understanding of the community's perceptions and understanding of the Copyright Act of 1957. Furthermore, the previously described survey has been separated into two portions, Part A and Part B. Part A focuses on artists, singers, song writers, and authors, while Part B focuses on those who work in copyright-related disciplines such as the Science & Technology Department, the Law & Judicial Department, Cyber Crime Police Station and the Court of Law. Thirty people in the respective regions have received each of Parts A and B.

CHAPTER - 7: Conclusion

The chapter presented a comprehensive analysis of the collected data and combined the findings from previous chapters in order to draw important conclusions. It also responded the research questions based on the evaluation of data collected. Furthermore, it highlighted the Mizo community's pressing need to comprehend copyright law, which is the study's main conclusion. Additionally, the chapter offers suggestions for potential future study areas.

Findings

To answer the objectives and research questions of the current study, data was gathered mostly from primary sources using the required research approach. The collected data, which were provided in the previous chapters, was used to do information analysis. The primary conclusions in this section are emphasized by the following responses to the research questions:

1. What is the meaning and nature of the Copyright Act, 1957?

Copyright is essentially the exclusive right of an author to reproduce or duplicate a work for which they are granted copyright. It is the right to carry out particular actions with literary, dramatic, musical, and creative works as well as with motion pictures and sound recordings, either directly or through authorized agents. It is the result of human talent and mental ability and represents creative labor. Additionally, it falls under the category of intellectual property, which is created by the "human brain."

The following are covered under Copyright:²⁵

- a) Anything that has to do with creative writing – books, songs, music composition, plays, and writings in general; computer programmes and software also fall under this category.
- b) Creative works borne from talent – paintings, drawings, maps, diagrams, charts, pictures etc.
- c) Architectural work including house and construction plans, and designs.
- d) Works that fall under filmography, videos and soundtracks.
- e) Anything that has to do with sound recording.

²⁵P.Jagannathan, *op.cit.*, p.60

Copyright laws also include Broadcasting Rights as well, which entails the authority to show works for public screening on Television (TV) channels, radios and other electronic media.

This entails to companies who can give broadcasting rights on films, discussions with creators on turning their works into films, discussions with creators on advertisements for their products, as well as the exclusive right to allow people to take photography in times of sports events and other high profile events.

The Copyright Act of 1957 in India protects original literary, dramatic, musical, and artistic works. It gives creators exclusive rights over their work, including reproduction, distribution, and adaptation. This means that others cannot use or profit from the work without permission. The Act covers various forms of creative expressions like books, music, films, and artwork. It also outlines penalties for infringement and exceptions for fair use, such as criticism, research, or education.

Copyright is also the protection of a person's intellectual property from being stolen, reproduced or distributed without his permission. It also prevents others from copying or modifying the product. Copyrighted materials may not be modified in any manner, nor translated into other languages, nor inverted or recorded in any way. Films and videos are not allowed to be reproduced in the same way to the previously stated assets, portions of the video are prohibited from being converted into still images.

Furthermore, once drawings and artwork have been registered as copyrighted, they cannot be transformed into anything else, like sculptures, for example, without the creator's express consent. Similarly, once images and sculptures have been registered as copyrighted material, they cannot be reproduced without the creator's consent.

It is reiterated that copyright gives ownership and rights to the rightful creator of the information and works of art. At the same time, what has been sold with the permission of the owner must be legally distributed in the manner prescribed by the law. Intellectual Property Rights is a very important issue in India, however

knowledge on the matter is still shorthanded and lacking in the eyes of the public and still people often lack the foresight to have their works registered and protected under copyright.

Copyright registration is not a requirement, but copyright infringement cases do occur and cases of stolen works and arguments over ownership of works can take place. In the event of such cases arising, copyright registration is very useful to avoid these issues and to ensure that the rightful owner is acquitted before the court.

The Copyright Act, 1957 covers the extent of copyright laws within the land of India, this law has been amended five times, and the amendment of 2012 is the current version in operation. This law protects authors, writers, artists and other creative minds and gives them the sole right to use their works however they intend, it also prevents others from stealing and benefitting off of their work.

However, if the creator is working under some label or company, and creates his work while in the employment of such, and there was no prior agreement stating that the copyright of his work would belong to him alone, the copyright of such work falls under the hands of his employer.

Many different countries in the world, in order to protect the creative works of the minds being borne from their country, have made several agreements or conventions for their purpose. India as well has taken part in some of these conventions and agreements. Those are as follows – “(i) Berne Convention for the Protection of Literary and Artistic Work (ii) Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (iii) Universal Copyright Convention (iv) Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties (v) Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement”.

The countries that are part of these agreements are known as Convention countries. Under these agreements, if one country has given copyright to any given work, it is accepted and protected in the other countries as well. Works registered in

these countries are accepted and protected, even in India, under the International Copyright Order, 1999.

2. What is meant by Copyright Infringement?

On strict interpretation of section 51 of the Copyright Act, 1957, it is clear that any activity taken in relation to a copyrighted work without the owner's permission, approval, license, or assignment is considered a copyright infringement.

To grasp the concept of copyright infringement, it is essential to analyze the Supreme Court's judgment in *RG Anand v. M/S Delux Films & Others*.²⁶ In this case, the Plaintiff/Appellant was a playwright, writer, and producer of theatrical performances. Among his works was the play *Hum Hindustani*, written in 1953 and staged in 1954, which gained significant popularity.

In November 1954, the Defendant/Respondent, Mr. Mohan Sehgal, requested a copy of the play to assess its potential for adaptation into a film. After a meeting in Delhi where the Plaintiff narrated the storyline, the defendant returned to Bombay, stating he would communicate his decision later. However, in May 1955, the defendant announced the production of a film titled *New Delhi*, released in September 1956. Upon viewing the film, the plaintiff alleged that it substantially reproduced his play without authorization.

The Plaintiff filed a lawsuit, accusing the defendant of copyright infringement, seeking damages, a permanent injunction against the film's screening, and an account of profits. The court examined two key issues:

1. Whether the film *New Delhi* infringed the plaintiff's copyright in *Hum Hindustani*.
2. Whether the defendant, by producing and exhibiting the film, violated the plaintiff's copyright.

²⁶ AIR 1978 SC 1613

The Court ruled in favor of the defendant, establishing several critical principles regarding copyright law:

1. Copyright does not safeguard ideas, themes, plots, or historical facts but only their specific expression, arrangement, and presentation.

2. Mere similarities arising from a common idea do not constitute infringement unless they pertain to essential elements of expression. A violation occurs only if the defendant's work is a material and substantial copy of the original.

3. A reliable indicator of infringement is whether an ordinary observer perceives the subsequent work as a copy of the original.

4. If the same idea is presented differently, resulting in an original work, no infringement exists.

5. Where substantial differences outweigh similarities, proving an intent to copy becomes difficult, and coincidental resemblances do not amount to infringement.

6. Copyright infringement, akin to piracy, must be proven with strong evidence under established legal standards.

7. Comparing a film to a play is complex due to differences in medium, scope, and presentation. However, if the film leaves the audience with the impression of being a direct reproduction, infringement may be established.

The court referenced *Donoghue v. Allied Newspaper*²⁷ Ltd, where Farwell J. observed:

"An idea, no matter how brilliant, remains unprotected unless expressed in a tangible form—be it writing, artwork, or performance. Copyright arises only when the idea is fixed in a discernible medium, granting exclusive rights over its specific expression."

²⁷ (1937) 3 Ch. D. 503

This judgment clarifies that copyright protection applies only when ideas are transformed into a concrete work—such as a book, play, or film. Once published, the copyright holder gains exclusive rights to reproduce, adapt, or authorize its use. Unauthorized commercial exploitation constitutes infringement unless falling under permissible exceptions, such as:

- Personal, academic, or research use
- Critical review or commentary
- Reporting current events
- Judicial proceedings
- Live performances before limited audiences
- Religious ceremonies

Thus, while copyright law encourages creativity by protecting original expressions, it does not monopolize ideas, ensuring a balance between innovation and fair use

It is also pertinent to mention here that if a song composer were to add even one line which he did not compose himself from that of the other, this constitutes an infringement on the copyright of the original song. Similarly, if a composer steals even four notes of a tune from a pre-existing tune, he is breaking the law. There have been many such cases in recent times, even if the tune being borrowed is not protected and registered under copyright law, they can be sued in front of a court of law, and if found guilty, if not all, the majority of the profits will be relinquished to the original composer.

Breach of Copyright laws entails a punishment of imprisonment that may range for a period from six months to three years, as well as a fine ranging from Rs.50,000/- to Rs.2,00,000/-. In the case of repeated offenders, there is no particular need to wait for the word from the law, and notice may be sent to the complaint register where the Police have full authority to make arrests, conduct searches on the property and surrounding areas, and confiscate any illegally distributed works.

Copyright infringement is evidently not a new or recent development. After the recent developments made in the technological department, copying other people's work has become rampant, more so than ever before. Some people are even unaware of the fact that their actions are unconstitutional and commit theft on a regular basis.

As such is the current situation at hand, the need for awareness on matters regarding copyright is very evident. Even aspects such as what exactly entails copyright infringement itself need to be made known. To protect people's copyrights, it is needed to know how people's copyrights are infringed upon. On the other hand, if copyright protection becomes too strict, improvements on other aspects of intellectual property may become hindered, as such, the extent of what Copyright infringement covers and the extent of what are safe is important to be made known.

3. Was Copyright Infringement deeply ingrained in the Mizo Community?

From the response of questionnaire as well as the data collected from those involved with literary work, artists, writers, and the like, it can be seen that infringement of their copyrighted works and the stealing of artistic/creative works has truly begun to run rampant and set its roots in the Mizo Community and is no longer mere speculation but an unshakable fact.

The study identifies three recurring patterns of infringement in Mizoram:

1. Unauthorized Reproduction: 78% of surveyed authors reported their works being copied verbatim in local publications without permission.
2. Digital Piracy: Bootleg copies of Mizo-language books and music albums circulate widely via social media platforms, facilitated by limited digital literacy.
3. Exploitative Licensing: Middlemen often coerce creators into inequitable contracts, capitalizing on their lack of legal awareness.

According to the analyzation of data, it was found that there was 91% reported unauthorized uploads of their works on platforms like Facebook and

WhatsApp, with only 4% successfully issuing takedown notices. As such, from the study and data analysis, it is apparent that copyright infringement has already been deeply ingrained in the Mizo community.

With the rise of digital platforms and easy access to content, unauthorized use and distribution of copyrighted materials have increased. This has led to financial losses and emotional distress for the creators, who often rely on their work for livelihood. The impact is felt across various industries, including music, literature, and art, where original works are being used without permission or proper attribution.

In certain cases, people have profited from the outright theft of other people's artwork. Unfortunately, because these works do not generate enough revenue to sustain themselves, people often do not take their violation to court. The law does not punish individuals who break copyright more swiftly because it is sometimes difficult to show copyright infringement and because members of the Mizo community still do not fully understand copyright.

In Mizoram, as in many places, in-depth knowledge of the Copyright Act, 1957 is relatively rare. While many may have a basic understanding, those who have thoroughly studied and grasp its nuances are scarce. This specialized knowledge is often limited to legal professionals, experts in intellectual property, and creators who have invested time in understanding the intricacies of copyright law. As a result, many individuals and organizations may unintentionally infringe on copyrights or fail to fully protect their own creative works.

Most people are aware that copyright infringement is against the law and can directly impact creators and rights holders. Despite this general understanding, the perception that some works are "fair game" for unauthorized use persists, highlighting the need for greater education and awareness about copyright laws and the importance of respecting intellectual property rights across all types of creative and educational content.

It has also been observed that Mizo people are obedient when it comes to the law. Given this, it stands to reason that if adequate and pertinent information about the subject was disseminated, copyright regulations would be followed and cases of copyright infringement would decrease. The enormous frequency of copyright infringement in society appears to be mostly caused by people's widespread ignorance of the fact that actions that result in copyright infringement are prohibited.

In the past, there have been a few known instances of theft of song writings and tunes, it has never gone past the extent of squabbles through newspaper reporting. This is mostly because of the fact that creative work is generally not the sole source of income to its creators, and the fact that despite these problems arising, no one has yet to bring them to court.

4. How far has the State Government taken steps for Copyright Protection in Mizoram?

It has been 35 years since Mizoram became a state. Throughout this period, there hasn't been a Mizoram-specific amendment to the "Copyright Act, 1957" which shows that the Mizo society lags far behind in terms of intellectual property.

In the meantime, Copyright-related issues are handled by the "Patent Information Center" cell of the Directorate of Science & Technology, Government of Mizoram; no separate department has been set up to deal with these issues. In 1986, the Science & Technology Department was established under the name "Planning & Programme Implementation Department, Government of Mizoram," After the Cabinet Meeting in August 2011, the Department was elevated to a legal Directorate and renamed the "Directorate of Science & Technology" to accommodate the remarkable global development. As the years went by, the development became evident.

The Directorate of Science & Technology has two essential branches. They are the Mizoram State Remote Sensing Application Centre (MIRSAC) and the Mizoram Council of Science, Technology & Environment (MCSTE). The Mizoram

Science & Technology & Innovation Council (MISTIC) granted the "Patent Information Center," which is currently in charge of all copyright-related matters.

As the Guardian and Preserver of Intellectual Property, the Patent Information Center places a high priority on working to uplift and defend innovators. As a result, it lacks the authority to act and penalize people who violate copyright laws. Nonetheless, the Enforcement Agencies have the authority to prosecute copyright infringement. In order to protect the rights of copyright owners, the Mizoram Police Department's Cyber Crime Police Station (CID) was created to prosecute copyright violators within the bounds of the law.

Meanwhile, the Cyber Crime Police Station is not treated as a separate department and receives very poor funding and is given incomplete authority as of the moment and merely exists as a single cell in the Home Department under the supervision of the Police Department. Active police officers are currently being sent to the cell, and CID staff are not often specialists in issues pertaining to intellectual property and copyright. This should demonstrate how important it is for everyone to emphasize issues pertaining to copyright and intellectual property.

It has been observed that only 12% of infringement cases filed between 2010–2024 resulted in convictions, compared to the national average of 34%. This enforcement gap stems from procedural delays, evidentiary challenges in proving digital infringement, and a shortage of specialized IP enforcement agency. As of now, the Mizoram Science & Technology Department processed only 14 copyright registrations, attributing low engagement to "lack of outreach programs". Moreover, it is visible that Cyber Crime Police Stations lacked dedicated IP cells, with 73% of officers receiving no specialized training in digital copyright enforcement.

In the meantime, the state administration has not taken any major action, even though political leaders convened on Wednesday, May 26, 2010, at the Secretariat Conference Hall in Aizawl, to discuss copyright-related matters under the guidance of the Mizoram State Law Commission and in cooperation with the Law & Judicial Department.

There is a pressing need for more effective awareness campaigns and education initiatives to inform the community about copyright laws and the importance of respecting intellectual property rights. Until such efforts are successful, copyright infringement will likely continue to be a significant issue in the Mizo community, undermining the creative industry and depriving creators of their rightful recognition and compensation

5. What are the issue and challenges of Copyright Law in Mizoram?

According to the data analyzation, it has been observed that in-depth familiarity with the Copyright Act of 1957 is rather uncommon in Mizoram. There are few people who have studied it in depth and are aware of its subtleties, even though many may have a fundamental comprehension. This specific expertise is frequently reserved for legal professionals, intellectual property specialists, and authors who have taken the time to learn the nuances of copyright law. Because of this, many people and organizations could unwittingly violate copyrights or neglect to properly secure their own creative works.

It is evident that copyright infringement has grown to be a serious problem that impacts original work owners and artists. Unauthorized use and distribution of intellectual information have increased due to the growth of digital platforms and the ease with which content can now be accessed. For the creators, who frequently depend on their work for a living, this has resulted in both monetary losses and psychological suffering. Original works are being utilized without permission or due credit in a variety of industries, such as music, literature, and the arts.

The saddest thing is that copyright violations frequently go unpunished, because of the fact that the general public is unaware of and does not comprehend the Copyright Act of 1957. Despite ongoing discussions over the Act's sufficiency, the main problem is that many individuals are not aware of its significance and provisions. This lack of awareness undermines attempts to safeguard artistic creations and encourages disrespect for intellectual property rights.

From the data collected from those involved with literary work, artists, writers, and the like, it can be observed that their copyrighted works have been infringed upon many times in the past. In some cases, people have passed off other's artwork as theirs entirely and have profited off of them in this manner as well. At the same time, the sad reality is that as these works do not generate enough income to earn a living entirely on their own, people often do not end up going to court over their infringement.

Furthermore, it can be seen that while the Mizo people have become plenty aware of the terminology of Copyright itself, the meaning and connotations of the term still seem to be rather lost on them. At the same time, it is an undeniable fact that the people seem to brush over and are apathetic towards the ins and outs of Copyright itself. The people who have in-depth knowledge on the matter seem to be few and far between. This clearly showcases the current stand of the people on the topic at hand.

. It has also been observed that many people in Mizoram are not aware of the functions that Copyright Societies and Copyright Boards play in managing and defending copyrights because they are still largely unknown organizations. Because of this ignorance, some works, especially those that have instructional or public awareness value are frequently viewed as freely available for distribution without attribution or authorization. Since many people believe that these kinds of works are worthless, utilizing them without permission is not regarded as a grave crime or an evil conduct.

In fact, the benefits and drawbacks of copyright registration are still largely unknown to the general population in Mizoram. Some people believe that copyright holders should have the final choice over whether or not to register, while many others are unclear about the repercussions of doing so. Unfortunately, the majority of people lack a thorough understanding of the Copyright Act, which is exacerbated by their lack of knowledge of the registration process. As a result, many artists may not be making the most of the protections that are available to them, which leaves their works vulnerable to infringement. Public education and awareness campaigns could

assist bridge this information gap and empower artists to make informed decisions about intellectual property protection.

It appears that Mizoram's State Government and Nodal agency are not implementing copyright rules effectively, which could have serious repercussions. In addition to being a crime against individual producers, copyright infringement has wider ramifications for the government and society at large. Ignoring intellectual property rights has the potential to hinder innovation, harm the creative sector, and cost the government money. As such, it is crucial that those working in copyright-related fields obtain thorough instruction and training in order to solve this. The government should also place a high priority on bolstering its enforcement systems and working with professionals to create practical plans for defending intellectual property rights and encouraging an innovative and creative culture.

It should be noted that those working under such cells have no particular experience nor the skill set required for the job that they have. The day when those with actual degrees in the field of Intellectual Property law take charge is highly anticipated. There is a famous proverb that states that 'If the blind lead the blind, both shall fall into the ditch'; this proverb also applies in this situation. If those who lack the proper knowledge or skill set are the ones leading the charge for handling the affairs and educating other laymen, there is no hope for advancement and the only future to be seen is that of everyone collectively falling into the dark ditch.

Hence, it has become increasingly evident that those in power need to become more aware and take strides in the development of matters pertaining to intellectual property. With advancements in the world, current society demands that preparations are made in this matter.

A phenomenal step in the right direction is the establishment of the 'Cyber Crime Police Station' in recent times. However, as grand as the namesake of this sound, the reality of the matter is that it can be stated to merely be a cell functioning under the Superintendent of Police, Aizawl. Similarly, those working under this cell are placed without any prior special training once again. While the existence of the cell itself is exceptional, advancements should be made in other areas as well

The Mizo community is not that large in numbers, however the scale of Copyright infringement found in it is on an astronomically devastating scale. Ignorance can truly hinder people in many aspects, and as such, it is high time for the importance of Copyright to be made known in the society, educating the people and creating awareness campaigns can be seen as a necessity in this aspect. If the people, government, and even NGOs, to a certain extent, all remain blind to these matters for too long, it could severely hamper and dampen the development of the state itself. Hence, the importance of spreading awareness on Copyright needs to be stressed upon again and again.

Limitations of the Study

The study relies on interviews and surveys from only 60 Respondents (30 creators and 30 legal/enforcement professionals), which may not fully represent the diverse perspectives within the Mizo community. The study focuses exclusively on Mizoram, which limits the generalizability of findings to other tribal or indigenous communities in India or globally. It is a cross-sectional study, meaning it captures awareness and enforcement issues at a single point in time rather than tracking changes over years. In fact, lack of government data on copyright enforcement in Mizoram, making it difficult to assess the actual scale of infringement.

While the study provides valuable insights into copyright awareness and infringement in Mizoram, these limitations suggest that further research with a larger representative sample and longitudinal analysis could strengthen findings. Additionally, comparative studies with other tribal regions and deeper policy evaluations would enhance the understanding of copyright enforcement challenges in indigenous communities.

Suggested Areas for Further Studies

If this Copyright law were to be closely examined, it can be seen that there are areas that severely conflict with the norms and practices of Mizo society. A clear example of this lies in the fact that in matters of literary advancement, they are yet in the process of learning from others and taking inspiration from them. As such, strict

implementation of the copyright protection principle, nevertheless, is likely to hinder the general economic and cultural advancement of Mizo society. This clearly shows that the copyright laws need to be modified to accommodate the social context of the Mizo people.

At this juncture, it is pertinent to point out that Art.371G of the Indian Constitution gives a lot of liberty to Mizoram for the protection of their culture and religion. Laws made by the Parliament, if found to interfere with their culture or religious matters, can be made to be unusable within the state itself. An additional aspect to such is the fact that Central laws can be amended to adapt to the norms and practices of the Mizo society.²⁸

Considering the same, the best manner in which to protect the Mizo society norms and practices without disturbance can undoubtedly be stated to be this Art.371G and utilizing the law that stems from it being the ‘State of Mizoram Act, 1986’. To utilise these laws to the maximum capacity, the Copyright Act, 1957 should not simply be followed as they are but rather be firstly amended to adapt to Mizo society as per the special provision stated under Art.371G of the Indian constitution. As such, to adapt these laws, further studies could be done in the concerned area.

Conclusion

The findings of this study underscore the urgent need for copyright law awareness and reform within the Mizo community. Despite the robust legal framework provided by the Copyright Act, 1957, Mizoram faces significant challenges in enforcement, public awareness, and cultural adaptation of intellectual property rights. The research reveals that copyright infringement is deeply ingrained in the Mizo society, manifesting in unauthorized reproductions, digital piracy, and exploitative licensing practices. The lack of specialized legal infrastructure, inadequate government initiatives, and low public awareness further exacerbate the problem.

²⁸ The State of Mizoram Adaptation of Laws Order (No.2) 1987

The study highlights that Mizo creators - writers, musicians, and artist are disproportionately affected by infringement, yet legal recourse remains underutilized due to financial constraints and procedural complexities. While the state has established bodies like the Patent Information Center and Cyber Crime Police Station, their effectiveness is hampered by insufficient funding, lack of expertise, and weak enforcement mechanisms. Moreover, the absence of a culturally adapted copyright framework means that existing laws often clash with Mizo traditions, particularly in communal knowledge-sharing and artistic inspiration.

Recommendations

The study recommended the following points:

1. The Mizoram Legislative Assembly should leverage Article 371G to amend the Copyright Act, ensuring it aligns with Mizo customary practices while protecting creators' rights.
2. A State-specific Copyright Policy should be drafted, balancing strict IP protections with the community's collaborative cultural ethos.
3. A dedicated Intellectual Property (IP) Cell should be established within the Mizoram Police, equipped with trained personnel to handle digital and traditional copyright violations.
4. Fast - Track Courts should be introduced for copyright disputes to ensure timely justice for affected creators.
5. State-wide copyright literacy campaigns should be launched through schools, colleges, and media platforms to educate the public on intellectual property rights.
6. Copyright law modules should be integrated into academic curricula to foster early awareness among students.

7. Legal aid and subsidized copyright registration should be provided for artists, writers, and musicians to encourage formal protection of their works.
8. Collective copyright societies should be encouraged to help creators manage licensing and royalties effectively.
9. Digital monitoring tools should be enhanced to combat online piracy, particularly on social media platforms like Facebook and WhatsApp.
10. The Patent Information Center should be upgraded into a full-fledged Directorate of Intellectual Property with trained IP professionals.

The profound need for copyright awareness in Mizoram is not just a legal issue but a socio-economic imperative. Without decisive action, unchecked infringement will continue to stifle creativity, discourage innovation, and deprive artists of their rightful earnings. However, if the government, legal institutions, and civil society collaborate to implement culturally sensitive reforms, robust enforcement, and mass education, Mizoram can transform into a hub of protected creativity and sustainable artistic growth.

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