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COPYRIGHT IN THE INFORMATION EPOCH: AN OVERVIEW

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Abstract:

In the present paper we are discussing about copyright in the information era. The paper discusses Indian copyright law, International copyright law, duration of protection, issues related to fair use, and copyright facilitators. The paper also discusses digital technologies and copyright as well as copyright protection technologies.

Keywords: Copyright, information, Intellectual-Capitalism, Digital Technology

Introduction:

It is an epoch of knowledge explosion. With the developments in the fields of information technology and communications, knowledge is being shared without any limitations. It is also an era of globalization. With the emergence of new concept of 'Intellectual Capitalism', capital is no longer in banks but in minds. The return on intellectual capital is considerable and not measurable by any standard. It manifests itself as tangible asset in the form of inventions, technologies, designs, books, etc. The intellectual capital requires protection from piracy and imitation. The Copyright Act attempted to balance the rights of authors to benefit from their writing and stimulate creativity and the needs of the readers to have ready access to information. [1]

Copyright came about with the invention of the printing press and with wider public literacy. As a legal concept, its origins in Britain were from a reaction to printers' monopolies at the beginning of the 18th century. Charles II of England was concerned by the unregulated copying of books and passed the Licensing of the Press Act 1662 by Act of Parliament, which established a register of licensed books and required a copy to be deposited with the Stationers' Company, essentially continuing the licensing of material that had long been in effect. Copyright is a legal right created by the law of a country, that grants the creator of an original work exclusive rights to its use and distribution, usually for a limited time, with the intention of enabling the creator (e.g. the photographer of a photograph or the author of a book) to receive compensation for their intellectual effort.

Copyright law is a branch of law deals with the rights of intellectual creators like creativity concerned primarily with mass communication. It is also concerned with all forms and methods of public communication, not only in printed publications but also with sound and television broadcasting, films for public exhibition in cinemas, etc. and even computerised systems for the storage and retrieval of information. [2]

Definitions:

According to **World Intellectual Property Organization (WIPO)**, "Copyright is defined as a legal term describing right given to creators for their literary and artistic works. Copyright is a form of protection provided by the laws of any country to the authors of "original works of authorship", which includes literary, dramatic, musical, artistic and certain other intellectual works."

According to **online Dictionary for Library and information Science** "Copyright is defined as the exclusive legal rights granted by a government to an author, editor, compiler, composer, playwright, publisher or distributor to publish, produce, sell or distribute copies of a literary, musical dramatic, artistic or other work, within certain limitations (fair use and first sale)."

According to **Oxford English Dictionary** "copyright is defined as the exclusive and assignable legal right, given to the originator for a fixed number of years to print, publish, perform, film or record literary, artistic, or musical material."

According to **Copyright Act 1968 in Australia** "A simple definition of copyright is that it is a bunch of rights in certain creative works such as text, artistic works, music, computer programs, sound recordings and films. The rights are granted exclusively to the copyright owner to reproduce the material, and for some material, the right to perform or show the work to the public. Copyright owners can prevent others from reproducing or communicating their work without their permission or may sell these rights to someone else."

However, copyright is the exclusive right of the author to derive economic benefits from his own writing or artistic performance or creative work. Copyright regulation basically protects the interests of writer or creator or performer from commercial exploration from others.

Copyright Law:

1. Indian Law of Copyright :

The government of India has passed the international Copyright Order 1958, according to which any work first published in any country which is a member of Berne or Universal Copyright Convention (India participated in both the conventions) will be accorded the same treatment as if it was published in India. As regards the work published in a country not mentioned in the schedule to the order, If the author of the work was a national of a universal copyright convention country, the author will be treated as a citizen of India and he will be entitled to the benefits of the copyright in the work.

The Copyright Act, 1957 came into effect from January 1958. This Act has been amended five times since then, i.e., in 1983, 1984, 1992, 1994, 1999 and 2012. The Copyright (Amendment) Act, 2012 is the most substantial. The main reasons for amendments to the Copyright Act, 1957 include to bring the Act in conformity with WCT and WPPT; to protect the Music and Film Industry and address its concerns; to address the concerns of the physically disabled and to protect the interests of the author of any work; Incidental changes; to remove operational facilities; and enforcement of rights. Some of the important amendments to the Copyright Act in 2012 are extension of copyright protection in the digital environment such as penalties for circumvention of technological protection measures and rights management information, and liability of internet service provider and introduction of statutory licences for cover versions and broadcasting organizations; ensuring right to receive royalties for authors, and music composers, exclusive economic and moral rights to performers, equal

membership rights in copyright societies for authors and other right owners and exception of copyrights for physically disabled to access any works.[3]

2. International Copyright Law:

The international Copyright Law provides protection to all creative works or productions of the human mind in the fields of literature, art, and science regardless of their manner or form of expression. There is no copyright of Ideas. It subsists only in the material form in which the ideas are translated. [4]

Materials that can be copyright include:

- ⊙ literary works (including computer programmes);
- ⊙ dramatic works;
- ⊙ musical works;
- ⊙ artistic works (including buildings);
- ⊙ films;
- ⊙ sound recordings;
- ⊙ broadcasts; and
- ⊙ published editions.

Reasons of Contravention of Copyright:

Some of the important reasons for Violation of Copyright-particularly in Library and Information centres are:

- ⊙ Shrinking (or limited) budgets.
- ⊙ Non-availability of books (out of print, ban on books, etc.)
- ⊙ Delay in supply/procurement of books/journals
- ⊙ Higher cost of books/journals (particularly foreign publications).
- ⊙ Urgent need.
- ⊙ Ignorance of Intellectual Property Rights

Berne Convention:

The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886. This was the first and the prime international convention on copyright which was revised for several times at Berlin in 1908, at Rome in 1928, at Brussels in 1948, at Stockholm in 1967, and at Paris in 1971 to meet various challenges posed by the technological developments.

Universal Copyright Convention:

The Universal Copyright Convention (UCC), adopted in Geneva, Switzerland, in 1952 and it was

revised at Paris in the year 1971. The UCC was developed by United Nations Educational, Scientific and Cultural Organization (UNESCO). The reason for adoption of Universal Copyright Convention was that many states including two most powerful states i.e. United States and the Soviet Union were not the members of the Berne Convention. The countries were not willing to join Berne Convention due to the reason that its level of protection was so high. The copyright system of the United States and many Latin America countries also differed from that of the Berne Union. The United States only provided copyright protection for a fixed, renewable term, and required that in order for a work to be copyrighted it must contain a copyright notice and be registered at the Copyright Office. The Berne Convention, on the other hand, provided for copyright protection for a single term based on the life of the author, and did not require registration or the inclusion of a copyright notice for copyright to exist. Thus the United States would have to make several major modifications to its copyright law in order to become a party to it. At the time the United States was unwilling to do so. The UCC thus permits those states which had a system of protection similar to the United States for fixed terms at the time of signature to retain them. Eventually the United States became willing to participate in the Berne convention, and change its national copyright law as required. In 1989 it became a party to the Berne Convention as a result of the Berne Convention Implementation Act of 1988. The UCC protect literary, scientific and artistic works, including writings, musical dramatic and cinematographic works and paintings, engraving and sculpture. The symbol © together with the year of publication and the name of the copyright owner may be required by any contracting states under the Universal Copyright Conventions satisfying all formalities which are otherwise required by the domestic laws in such contracting states.

Silent features of the copyright Act 1957:

- a. Establish a copyright office under the control of the Registrar of Copyrights to facilitate registration of copyrights and to settle certain kinds of disputes arising under the Act.
- b. Some new rights also came to be recognized, with the result that some new terms have been incorporated and defined under the Act.
- c. Provision to the first ownership of Copyright.
- d. Term of copyright for different works.
- e. Term of licensing of the copyright including compulsory licensing in certain circumstances.
- f. Broadcasting rights.
- g. International copyright.
- h. Definition of infringement of copyright
- i. Author's special right.
- j. Civil and criminal remedies against infringement.
- k. Remedies against groundless threat of legal dealings.

Information Era and Copyright:

In the information Era not only addresses the current complexities that arise with authors and copyright laws when publishing digitally, but it also sheds light on the present processes and procedures in place regarding copyright options for digital publishers. This publication addresses a global viewers in the manner in which it discusses conventional methods used in publishing before segueing into new model and strategies for both a business and an author in this ever-expanding

digital world.

Information technologies are coming up very fast. It may be difficult to predict about the Information technology that will come up in the future. It would be suitable if the copyright law is modified to address the issues of protection of exclusive rights of the creators as soon as new technology is emerged. Remedial measures in the law with explanation in a positive manner should provide security by broad statement, which would cover all aspects of copyright. While making the draft during the amendment in the Act, expert opinion of the specialists in the respective areas should be considered to accommodate implications of emerging technologies on the Act. Information technology has created very serious problems to the copyrighted material on one hand and provided many opportunities for its exploitation on the other. Creators are under the grip of fear that digital world would end the protection of their exclusive rights because everybody will copy everything freely and there would be no more creative work. Every time information technology comes up with methods of better reproduction, the copyists make efforts to free-ride on the labour of others. Policy makers need to come up with solutions to curb this practice by providing stricter measures to curb copyright infringement and protect the rights of the creators. [5]

Conclusion:

Information is the key to development both for individual and nation. Technology has now opened up endless possibilities for accessing a whole range and wide variety of information in a scale exceptional than ever before. With the knowledge explosion the problem that is worrying scholars, researchers, educators and consumers of modern information is the possible impact that new technologies may have in the copyright law and consequent burdens on the information users in developing countries. As the new technique has conquered the world of communication, copying is becoming easier than speedier than printing. In this technology development the authors and the creator published and preserved their own works in digital forms. In conclusion, it may be said that much needs to be done in this infant area when the information and technological revolution is on the rise as is copyright awareness.

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