

COPYRIGHT ACT

Posted at: 10/12/2024

COPYRIGHT ACT

Context : Actor Dhanush has sent a legal notice to actress Nayanthara, demanding ₹10 crore in damages for allegedly infringing copyright over a movie.

Background: Copyright Act, 1957

The **Copyright Act, 1957** is the primary legislation in India governing copyright protection and enforcement. It has undergone significant amendments in **1983, 1984, 1992, 1994, 1999, and 2012**, adapting to evolving creative and technological landscapes.

Key Provisions of the Act

1. Copyright Protection:

- Grants exclusive rights to creators of original works, including **literary, artistic, musical, dramatic works**, films, computer programs, and sound recordings.
- Includes both **economic and moral rights**:
 - **Economic Rights**: Reproduction, distribution, public communication, and adaptation of the work.
 - **Moral Rights**: Right to claim authorship and prevent distortion or misuse.

2. Duration of Protection:

- **Literary, Artistic, Dramatic, and Musical Works**: Life of the author + 60 years.
- **Cinematograph Films, Sound Recordings, and Anonymous Works**: 60 years from publication.

3. Transformative Works:

- Protects creative adaptations or reinterpretations of existing materials.
- Example: Comedy group **AIB's 2015 spoof video** on Yo Yo Honey Singh's "Party All Night" qualifies as inspired work, not infringement.

4. Public Domain:

- Works in the **public domain** are not protected by copyright. For instance, religious texts like the **Ramayana** or **Bible** are public domain. However, adaptations like **Ramanand Sagar's Ramayana** are transformative works and protected.

5. Copyright Infringement:

- Infringement occurs if a **substantial part** of a copyrighted work is used without authorization.

6. Fair Use (Section 52):

- Certain uses are exempt from being considered infringement, such as:
 - **Private or personal use** (e.g., research or study).
 - **Criticism, review, or reporting** of current events.
-

Implications of the Case

The dispute between **Dhanush** and **Nayanthara** hinges on whether the alleged use constitutes infringement under the Act or falls within exceptions like fair use or transformative work. The demand for ₹10 crore emphasizes the potential financial and legal consequences of copyright disputes in the entertainment industry.

Conclusion

The case highlights the complexities of India's copyright law, especially in creative industries. As the legal proceedings unfold, the interpretation of concepts like **fair dealing**, **transformative works**, and **substantial use** will be critical in determining the outcome.



AKKA IAS ACADEMY
www.akkaias.com