

# ROLE OF COPYRIGHT LAW IN TECHNOLOGY

## Abstract

In today's world, copyright is paramount, and progress is especially taking place. We will teach a wide variety of ways and strive for a new international economic order. India is a developing country, that has recognized the importance of protecting cultural and creative creations as the driving force of the world. The copyright owner must protect the publisher in addition to the flat royalty. The right to distribution is under the protection of the publisher and under the protection of the same law. It is necessary to strengthen the copyright system to protect the intellectual creativity of the country, and the vast opportunity for reform is clear.

**Keywords:** Copyrights, Technology, Indian Copyright Act, Judiciary.

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## I. INTRODUCTION

In the modern world, copyright is very important, specifically in terms of technological advancement. The advancement of research and education is equally represented by economic growth throughout development programs and in efforts to establish a new International Economic Order. Thus, many developing countries, like India, have come to recognise the importance of preserving literary and creative works as a force of social and cultural progress. In order to maintain copyright, it is necessary to guarantee publishers have enough protection in addition to paying writers attractive and fair royalties. This is so because author access to distribution depends on the same regulations protecting publishers as they do authors. The need for a strong copyright system to protect national intellectual creativity is becoming ever more apparent, as is the importance of expanding and improving access to education.<sup>1</sup>

Copyright refers to the exclusive right to create or recreate a work in its whole or a major portion of it on any medium, and it is considered violated when someone acts in a way that the copyright owner has the exclusive right to do. Thus, the first Copyright Statute was enacted not more than three hundred years ago. Strong copyright protection is essential for any country that values nurturing and motivating its own writers, composers, and creatives in order to enrich its national cultural history. This calls for revised national copyright legislation that takes into account the needs of the country and is written to further national interests. In terms of their own rights, people who assist in the distribution of intellectual works as well as their producers should be protected by such law.<sup>2</sup>

We are surrounded by technical wonders in our modern world, including radio and television broadcasting, video and audio recording, cable distribution systems, reprography in all its forms, computers, and the knowledge to connect these technologies into enormous multi-facility networks. Reprography, computer storage, and tape recording have all made it simple, affordable, and accessible to so many people that it is often difficult for copyright holders to regulate reproduction. Broadcasts using satellite and cable might cross international borders, making effective control very challenging. Then, the Internet's rapid growth has brought forth the latest and most important innovation in IT. With roughly 90 million users online, the Internet is the largest single indicator that we may join the global community. There are now 100,000 Web sites, and that number doubles every 2.5 months. Complex concerns connected to copyright law are among the new developments brought about by the Internet. There is a huge amount of copyrighted content being used or published by parties other than the authors on the Internet and Worldwide Pages. There is an urgent need to expand copyright rules to include things that are transmitted speeding around the Internet in email attachments, binary files, or as Worldwide Pages since such types of materials are not expressly covered by copyright laws. Violators of copyright on the Internet often believe exempt from the law because of territorial conflicts.

The Indian Copyright Act, of 1957 was modified in 1983 and 1984 to keep up with new technological advancements. In fact, the economic liberalization wave that surged over India was a significant step toward the free market and competition. However, one important

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<sup>1</sup> Upendra Baxi, Copyright Law and Justice in India, 28 J 1 L 1 (1986).

<sup>2</sup> the Performers, Producers of Phonograms and Broadcasting Organisations.

barrier to India's integration into the global economic world was its outdated copyright laws.

In fact, under the infamously known as Super, the US did maintain India as a blacklisted trading partner and requested India to improve its copyright, patent, and trademark laws to match international standards. The Copyright (Second Amendment) Bill, of 1992, was brought into Parliament at this time. It is good to learn that the aforementioned Bill was eventually approved in 1994. Because Indian law has profoundly influenced the former and because of India's longstanding ties to Great Britain, it was deemed appropriate to analyze English copyright law. The US was chosen once more for two reasons: First, for historical reasons, British Common law has also had an impact on US Copyright law; and Second, the US made the decision to put national necessities ahead of copyright protection in the early years of its independence from Britain. How much can India learn from the US experiences when, in the altered global environment, it is the US itself that has threatened India with sanctions? The notion of copyright protection emerged with the invention of printing, which made it feasible to mechanically duplicate literary works. While common law nations like the U.S.A., U.K., and India treat copyright as a kind of property and place a strong emphasis on authors' economic rights, civil law nations like France place a strong emphasis on authors' moral rights in addition to their economic rights, and they view an author's work as an expression of their personality. The moral rights of writers have, nevertheless, gained prominence in the common law nations as a result of recent modifications to the copyright rules in the United Kingdom and India.

It has been discovered that certain national legislations, like those of the UK, India, and, the USA provide a definition of the works protected, while others, like those of Italy, do not. There are, in general, two types of works. The first is the one that refers to the literary and creative works, including dramatic, musical, and dramatic musical works, that were mentioned in the Berne Convention of 1886.<sup>3</sup> The second group of works includes more current media, such as cinematograph films, sound recordings, and broadcasts. In Common Law nations, the first group of works is protected by copyright, but in Civil Law nations, the second category is referred to as neighboring rights.

Regarding author rights, research has shown that while there are many similarities between U.S.A., U.K., and Indian law and international copyright conventions, author economic rights are not consistently protected. The language for these rights is different. There are certain rights that do overlap others, and the specific parameters of each right vary from nation to nation. The 1994 Indian Amendment's restriction of authors' moral rights is one important part of this aspect. Now, if a work is altered before the expiry of the copyright period and the author believes that doing so will harm his honor or reputation, he or she may put a stop to the alteration or sue for damages.

However, the legislation has included an exemption for the modification of computer programs for debugging reasons. The scope of moral rights has been reduced as a result of previous restrictions that went beyond what was required by the Berne Convention and prohibited even mutilation, distortion, and alteration of the work that does not harm the author's name or honor. It should be emphasized, however, that Indian law's protection of moral rights extends well beyond the TRIPS Agreement's standards, which insulate nations

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<sup>3</sup> Ali Khan, Shahid, *Role of the Berne Convention in the Promotion of Cultural Creativity and Development Recent Copyright Legislation in Developing countries* 28 J I L I , (1986).

from any rights or obligations resulting from the Berne Convention's moral rights provisions. In actuality, the TRIPS Agreement's removal of moral rights from its scope matches the lack of moral rights in American Copyright law.<sup>4</sup>

Also, when it comes to the topic of the 'treatment of foreigners,' we can observe that, in addition to the standard protection, foreign writers are subject to a wide range of copyright protections. If the author is a qualified person at the time of publication, or if the work was first published in the United Kingdom or a similar location, then the work is protected in that country.<sup>5</sup> After gaining independence from Great Britain, the United States became protectionist in an effort to establish its own culture. As a result, only American citizens and those who resided in the United States were afforded copyright protection. Even a century later, copies of foreign works had to be produced in the US before copyright was eventually awarded to certain foreign writers. However, subject to the need for reciprocity, Indian law offers international writers the same protections as it does for its own citizens.

It has been discovered that there are significant similarities in the laws of the three nations considered here regarding copyright in 'literary, theatrical, and musical works.' Numerous other types of works, including collections, selections, abridgments, headnotes in legal reports, ads, test questions, etc., are protected as 'literary works.' Although actors' antics are not included, the scope of serious works has also been expanded. According to the research, U.S. law is far less confusing about musical compositions than that of the U.K. and India since it also protects 'accompanying words.' The Indian judiciary's approach in this respect is regrettable because the protection provided to musical compositions in films is still insufficient.

On the subject of 'copyright in software,' it is clear that legislative action regarding the copyrightability of software has only just begun, and the nations under investigation are making rapid revisions in an effort to keep up with the rapidly evolving state of computer technology. The TRIPS (Trade-Related Intellectual Property Rights) Uruguay Round Agreement states that authors and their heirs should be able to decide whether or not their copyrighted works can be rented for profit. The 1994 Indian Amendment brought Indian law into compliance with this requirement. However, the TRIPs Agreement is more lenient than the new Indian law because it allows the buyer of a copyrighted material to resell the work and because it specifies that the requirement not to resell computer programmes doesn't implement to rentals where the programme is not the primary goal of the rental.

Concerning copyright protection for 'architectural designs,' we found that before 1976, American architects were afforded significantly less protection than their British and Indian counterparts. The 1994 Amendment, which changed the phrase architectural work of art to work of architecture, expanded the protection afforded to architects in India.

Regarding the crucial issue of 'performers rights,' it became clear that despite recent legislative activity in India and the United Kingdom, as well as the explicit inclusion of performers rights in the most recent amendments, the plight of actors who perform in movies continues because copyright is only granted to movie producers. However, these changes still

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<sup>4</sup> M. A Roeder, Doctrine of moral right a study in the law of artists, authors & creators, 53 Har L Rev (1940).

<sup>5</sup> qualified persons are British and Irish nationals or person domiciled or resident in the U.K.

provide other nearby right holders, such as phonogram producers and broadcasting organizations, with enough protection.<sup>6</sup>

The research discovered remarkable consistency in the copyright laws of the nations investigated, particularly with regard to instances of copyright infringement and categories of violation, such as primary and secondary. According to the research, Indian copyright legislation is superior to its American equivalent when it comes to computer program infringement.

## II. CONCLUSION

The strong resemblance in the sanctions for copyright infringement is the last point. The Anton Pillor Order, a British remedy, should be explicitly acknowledged in the Indian Copyright Act since it is a very efficient remedy. In terms of criminal remedies, American law is undoubtedly far stricter than that of the United Kingdom and India. Overall, it is reasonable to say that Indian law, as it is written in the Statute Book, does not seem particularly juvenile and is almost on par with international norms such as those of the United Kingdom and the United States, though it has not yet been put to any practical use. Additionally, Indian judges need to become more alert to infringements on copyright. The creation of copyright awareness as a component of India's social, economic, and cultural growth is thus vitally needed.

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<sup>6</sup>K Ponnuswami, Performers' Rights And the Copyright law, Indian Bar Review, Vol XIV, No IV (1986).