

COPYRIGHT LAW : PRINT AND NON-PRINT-MEDIA

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Abstract : A copyright law is concerned with the usage of information legally. The copyright law gives the authority and legal consent to use, reproduce, to distribute the work. A copyright law allows the owner to carry out all his work legally either it is in the form of print or digitized form. In this case an author and an owner of publishing becomes responsible for publishing and receiving the royalties. This paper highlights that why it is essential to follow the copyright law to get the publishing done through print or online mode. How is the statement of statute gives complete authority to use the work freely? It removes the fear of stealing or misusing the content by anyone. Since we know that internet and use of online modes of publishing work have added a new dimension to the information retrieval, so it is more important to know the role and proper functioning of copyright laws in case of both online or print publishing.

Keywords: Copyright Law, Joint authorship, copyright law for a book, journal, database and software.

1.0 Background of Copyright Law

The Copyright Act, 1957 was implemented in the month of January 1958. It was amended at least six times - i.e. in 1983, 1984, 1991, 1994, 1999 and 2012. The Copyright (Amendment) Act, 2012 took its existence till date and being implemented everywhere. It was amended with the thought to update it timely in order to introduce copyright law for films, videos etc. The Copyright Act, 2012 involved many amendments inclusive of copyright protection in the form of digitized also. A few extensions of copyright law were made to utilise the digitized data properly and effectively. It was essential to implement some laws related to internet service provider and introduction of statutory licences to 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 rights of owners and exception of copyrights for physically disabled to access any work

2.0 Copyright Law

A copyright Law is the legal authority which is given to the author to publish the work and he attains the authority to sell his work. An author may give this authority to any other party or publisher to reprint it or to sell it to others and earn money. A copyright is an example of intellectual property which enables the author to use his created work in his own way, either to sell it or to multiply money using it.

We see that this copyright is not only implemented on books but for all those different category of works which promotes the sale and use of intellectual property. Copyright law is fully applicable on periodicals, musical composition, songs, lyrics etc. This actually protects the authorship of actual work done by the efforts of authors. Generally, copyright is reserved for sixty years or till an author survives in this world.

The author who is creating the work is generally considered as the first owner of the copyright under the Copyright Act 1957. However, for works made in the course of an author's employment under a "contract of service" or

apprenticeship, the employer is considered as the first owner of copyright, in the absence of any agreement to the contrary.

3.0 Joint Authorship

It was added up in the section-2(Z) of the Act which declares that the work which is done with the joint efforts of two or more authors is called Joint authorship where all the authors get equal recognition. In this case all the authors have to give a consent on a drafted format to reproduce the original work.

4.0 Copyright Infringement

Copyright infringement is the violation of copyright rules. The Copyright Act 1957 exempts certain acts from the ambit of copyright infringement. Many people are using the term 'fair use' to denote copyright exceptions in India, it is a factually wrong usage. While the US and certain other countries follow the broad fair use exception, India follows a different approach towards copyright exceptions. These are mentioned below:-

- To use the copyright work for some specific purpose with 'fair use' and
- Some activities which are mentioned in the statute.

We observe that the term 'fair dealing' has not been defined anywhere in the Copyright Act, 1957. This is being discussed in many judgments also to improve the situation.

5.0 Role of Copyright Law for Books

5.1 Publishing Law and Litigation

Generally, publishers take care of copyright law and follow it. They do not want to be rude with the authors in an adverse situations also and hardly caught under illegal proceedings also. They carefully follow and implement during publishing of print materials and try to step back from any kind of infringement. But it is always good to keep in mind about publishing and copyright laws. As this attitude protects an author to secure the work written by him.

5.2 Copyright Page

Just open few initial pages of the book and see what kinds of contents are given. It is mentioned on Copyright-Page whether the book is self-published or published by others. This page is given after the title page and depicts the whole information which is required to protect the print-material. A few components which are to be included on a copyright page of the book are given below:

- A copyright notice- This copyright notice includes this "©" symbol or "copyright" word.
- This notice should be followed with the year of publication of the book
- Then it is followed with the author name or some name of the printing press.
- Ordering information
- Reservation of rights
- Copyright notice
- Edition of the book
- ISBN or ISSN Number
- Website
- Credits to the book –Cover-Page designer, Editor
- Disclaimer

5.3 Copyright of a Journal

If some journal has to be published, then it becomes essential to get the proper copyright authority from all the authors. As printing of a journal is a collective work of number of authors who contribute their intellectual property to one owner i.e. an editor. An editor gets the right of printing the work only if he gets the copyright and transfer agreement from all the authors. This copyright authority, a kind of consent, gives liberty to the author to reproduce or reprint its number of copies.

This copyright agreement should be well written which should clearly define the statement of transferring right to the owner. An editor has to compile all the collected articles and then publishers prints the same. A publisher has to pay some additional amount to print this work of freelance authors on internet also.

This statute of copyright gives some rights to the owner such as right to reproduce, right to compile, right to edit, distribute, sell and exhibit also.

Thus, the copyright allows the owner to get clear information about the status of the work done by an author. It gives a clear picture whether the work is original, transformed or adapted version.

In view of the fact that a copyright-agreement has a very long term agreement. It is important at an early stage to make sure that the ownership and license, rights are given very carefully under due consideration with all the options that are open to the author being evaluated.

As we know that this is the time of digitization, a new technology has increased the importance of intellectual property. This new technology may be in the field of Patent, trade mark, Copyright etc. When we talk about copyright protection it comes in our mind that it is generally granted to original literary, musical, dramatic or artistic works. But the growth of new technology has given rise to new concepts like computer programs, computer database, computer layouts, various works on web, etc.

So it becomes necessary to know more about copyright laws related to computer Programs/Software, computer databases and various works in cyber space. Copyright is a key issue in intellectual property rights in digital era. Various types of computer related works i.e. computer program, computer software, computer databases and works on internet.

5.4 Copyright of Computer Software:

In India, computer software is covered by the copyright Act of 1957, amended in June 1994. The Act makes it illegal to make or distribute copies of software without proper or specific authorisation. Also, it prohibits the sale, or to give on hire, or offer of sale or hire, any copy of a computer program without specific authorisation of the copyright holder.

Before proceeding any further, it is important to ask: what exactly do we mean by "software"? For a computer to work, it has to be programmed, i.e. given a set of instructions in a language that computers understand. These programs are referred to as "software", to distinguish them from "hardware" (the physical objects that make up a computer system, such as microchips, processors, the keyboard, etc.).

Here are some examples of software:

- a) Operating systems, such as Microsoft Windows, and Linux. The operating system is the computer program that organizes all of the other computer programs.
 - b) Software for general, everyday use, such Web browsers, word processors, spreadsheets, software for making presentations, etc.
 - c) More specialized software, such as office management software, computer-aided design software, software for statisticians, software for accountants, etc.
 - d) The software that makes the Internet work, such as Web server software (Which sends Web pages to your Web browser on demand?)-In order to understand the law of software copyright, it is necessary to understand two technical terms: "source code" and "object code".
- **Source code** is a computer program in the form written by a programmer (in a language such as Pearl or C).
 - **Object code** is a computer program which is converted into the form in which a computer would execute it (in "machine language", i.e. ones and zeros). To convert source code into object code, you use a special computer program called a "compiler". Note that a computer program will (generally speaking) exist in two forms: the source code form (the form in which it was written by human beings), and the object code form (the form in which a computer executes it). These are two different forms of similar computer program. So far as copyright law is concerned, both of these forms are covered by the definition of "computer program".

5.5 Copyright Protection of Computer Software/Program:

In the knowledge-based global economy, computer technologies are an essential requirement for accessing and using information, accelerating technology transfer and increasing the growth of productivity. At the same time, computer software products are perhaps the most heavily protected form among all the other forms of Knowledge-based products. Under the TRIPS (**Trade-Related Aspects of Intellectual Property Rights**) Agreement, computer programs now qualify for copyright protection just as any other literary work, as well as for other forms of IP protection, including by patents in some nations, such as the US. Developing countries, of course, have a range of requirements for computer software applications in their industries, hospitals, schools and government offices. But most commonly, they need affordable access to off-the-shelf business software packages, such as word processing, spreadsheet, e-mail and Internet browsing products. And the software industries of developing countries, even in India, are mostly absent from the off-the-shelf packaged computer programs sector.

Copyright protection enables companies to prevent copying, limit competition and charge monopoly prices for these products. In developing countries, this presents two main problems. First, as there is currently widespread copying together with low local purchasing power in developing countries, there is a concern that stronger protection and enforcement could mean a more limited diffusion of such technologies. For example, governments and donor organizations could review their software procurement policies with a view to giving greater consideration to low cost business software products, including generic and open source products that are widely available.

The second problem is that where the source code of software is also protected, this may make it harder to adapt the products for local needs. It may also restrain competition in development of inter-operating applications, through follow-on innovation by reverse engineering. Under TRIPS, developing countries are permitted to allow reverse engineering of software, so this problem may be avoided if national copyright laws are drafted appropriately. As another practical measure, more widespread use of the various open source software products, where source code is made available unlike proprietary software, may be considered. Alternatively, some in industry argue that with stronger copyright enforcement, closed source proprietary developers may be more willing to make source code available to software developers in developing countries.

It is clearly beyond our mandate to recommend what kind of policies developing countries should follow for procurement of computer software. For instance, open source software may provide low cost and other advantages over proprietary software, many factors besides software license fees affect the total cost of an IT system such as customizing the system to the user's specific needs, as well as servicing, and maintaining the system. In developing countries where limited funds are available, governments and donors should consider supporting programs for raising awareness about low cost options, including open source software. In present time most countries have protected computer software and programs under Copyright Act.

5.6 Copyright of Database: Databases, whether comprising words or numbers, will be considered in most legislation as compilations, which is typically a collection of individual items that may or may not be themselves permit copyright protection.

It is generally recognized that the making of databases requires considerable investment of human, technical and financial resources but such databases can be copied or accessed at a fraction of the cost needed to design them independently, with the help of digital technology. The European Community and USA have proposed a system for protection of databases. WIPO (World Intellectual Property Organization) is also considering a proposal on the same subject.

It has been proposed to treat the subject as a protocol to the Berne Convention on Copyright laws.

Databases can be simultaneously protected that represent a substantial investment in terms of human, technical and financial resources in the collection, assembly verification, organization or presentation of the contents of the database.

The rights provided for under this system shall attach when a database meets the above requirements and shall endure for at least 25 or 15 years from the first day of January in the year following the date when the database first met the above requirements.

The protection shall be granted to databases irrespective of the form or medium in which they are embodied (electronic and non-electronic forms) regardless to the availability to the public.

Compilations of data or other material (databases), in any form, which by reason of the selection or arrangement of their contents constitute intellectual creations, are protected as such. The maker of a database shall have the right to authorize or prohibit the extraction or utilisation of its contents.

But is clearly stated that the protection provided does not preclude any person from independently collecting, assembling or compiling works, data or materials from any source other than the protected database. In the case of database that is made available to the public, in whatever manner, before the expiry of the period, the term of protection shall endure for at least 25 or 15 years form the first day of January following the date when the database was first made available to public.

When a database is substantially changed it becomes a new database, entitled to its own term of protection, provided the task of change involves substantial investment.

5.7 Copyright and Internet: Electronic materials are easy to access because information is freely available via the internet, but this does not mean it is available free to copy the contents. It is therefore even more important to be aware of potential pitfalls when using information from such sources. The internet has been characterized the largest threat to copyright since its inception. The internet is awash in information, a lot of it with varying degrees of copyright protection. Copyrighted works on the Net include new stories, software, novels, screenplays, graphics, pictures, UseNet messages and even email. In fact, the frightening reality is that almost everything on the Net is protected by copyright law.

E-mail messages material loaded on to FTP sites or www serves, and anything else put on the Internet is copyright. Internet URLs, e-mail addresses and so on are facts, and can be copyrighted, just as are internet indexes such as those created by Yahoo, FAQs (Frequently Asked Questions) collections on Usenet newsgroups are copyright.

A “World Wide Web” home page is copyright, and to copy it to use as the basis of another home page is clearly copyright infringement, and may involve infringement of trade mark rights (another form of intellectual property) if the “www” page includes some device or logo that is a registered trade mark.

6.0 Conclusion

Finally, we can realise the importance of copyright law. As it is essential to get a legal consent to publish any work either in a collective or an individual form. In this case, it becomes easier to transfer the work to the owner of publishing and shows a proper authentication also. It shows its vital role in reproducing the work on internet in the form of database or software also. The internet has brought the publishing to the desktop, not only metadata source like bibliographic databases and table of contents, but also the full-text of journals, reports, patents, re-prints tec. Thus, an owner should make sure that he should collect all the copyright-agreement before publishing any work

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