
EVOLUTION OF COPYRIGHT LAWS AND HISTORICAL BACKGROUND IN INDIA

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India's copyright laws were initially influenced by British colonial rule. The British introduced the Copyright Act of 1847¹, which was later replaced by the Indian Copyright Act of 1914. After gaining independence in 1947², India began to reform its copyright laws to suit its own needs. The Copyright Act of 1957 was a significant milestone, consolidating and amending existing laws. It provided protection for a wide range of creative works, including literary, dramatic, musical, and artistic works. Subsequent amendments to the Copyright Act have been made to keep pace with technological advancements and international developments.

The Copyright (Amendment) Act of 2012 introduced changes to address issues such as digital rights management, internet piracy, and the rights of authors and performers in the digital age³.

India is a member of various international copyright agreements, including the Berne Convention and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which have influenced the country's copyright laws⁴.

Recent years have seen continued efforts to update and modernize India's copyright laws to address emerging challenges in the digital era, such as online piracy and the protection of digital content⁵.

¹ A. Christie, 'Reconceptualising copyright in the digital era' [1995] 11 EIPR

² Abhai Pandey, Attorney-at-law in Corporate and Intellectual Property Law practice in India. 'Inside Views: Development In Indian IP Law: The Copyright (Amendment) Act 2012', available at www.ip-watch.org,

³ Alfred C. Yen, 'The Legacy of Feist: Consequences of the Weak Connection Between Copyright and the Economics of Public Goods', 52 Ohio St. L.J. 1343, 1344 n.3 (1991).

⁴ Abraham Drassinower's 'Sweat of the Brow, Creativity, and Authorship: on Originality in Canadian Copyright Law', (2003-04) 1 U.O.L.T.J. 105,

⁵ Amar A. Hasan, 'Sweating in Europe: The European Database Directive', 9 COMPUTER L. REV. & TECH. J. (2005).

India's copyright laws have deep roots in its colonial history, particularly influenced by British rule⁶. The Copyright Act of 1847⁷, introduced by the British colonial authorities, marked the beginning of formal copyright regulation within the Indian subcontinent. This initial legislation laid down the groundwork for copyright protection, albeit within the context of British imperial interests. Subsequently, the Indian Copyright Act of 1914 replaced the earlier colonial legislation, reflecting the evolving dynamics of copyright regulation under British colonial administration⁸.

Following India's independence in 1947, the nation embarked on a process of reforming its copyright laws to better align with its own socio-cultural and economic aspirations. The Copyright Act of 1957 emerged as a significant milestone in this journey⁹. This legislation, enacted by the Indian government, not only consolidated and streamlined existing copyright laws but also expanded the scope of protection to encompass a wide array of creative works. From literary and dramatic compositions to musical compositions and artistic expressions, the Copyright Act of 1957 sought to provide comprehensive protection for India's rich cultural heritage.

In response to the rapid pace of technological advancements and evolving international copyright standards¹⁰, India has continuously amended its copyright laws to keep pace with the changing landscape. Subsequent amendments to the Copyright Act have aimed to address emerging challenges in the digital age and align with global best practices. The Copyright (Amendment) Act of 2012 stands out as a significant milestone in this regard, introducing provisions to tackle issues such as digital rights management, internet piracy, and the protection of authors' and performers' rights in the digital realm¹¹. India's membership in various international copyright agreements has exerted a notable influence on the country's copyright

⁶ Apar Gupta, Protection of Database in India : Copyright Termination Sui Generis Conception, Journal of IPR, VOL-12, July 2007, pp 422-427.

⁷ Ayyappan Palanissamy , The Future Of Copyright In India – A Special reference to software piracy, its challenges and proposal for reform, 2011 International Conference on Software and Computer Applications IPCSIT vol.9 (2011) © (2011) IACSIT Press, Singapore,

⁸ Avinash Shivde, Intellectual Property Manual, Published by Lexis Nexis, Butterworth, Elsevier India Pvt Ltd, Ed, 2004

⁹ Bannister, Judith, "Originality and Access; Copyright Protection of Compilations and Databases" ; Journal of Law, Information and Science, (1999) 10(2),

¹⁰ Bastian, Michael J. (1999), —Protection of —Noncreative Databases: Harmonization of United States, Foreign and International Law, International and Comparative Law Review, Vol.22

¹¹ Boyarski, Jason R, —The Heist of Feist: Protection for Collections of Information and the Possible Federalization of —Hot News, Cardozo Law Review, Vol.21, 1999,

laws. As a signatory to agreements such as the Berne Convention and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), India is bound by the obligations outlined in these treaties¹². The principles and standards set forth in these international agreements have played a pivotal role in shaping and guiding the development of India's copyright legislation, ensuring alignment with global norms and standards¹³.

In recent years, India has witnessed a concerted effort to update and modernize its copyright laws to effectively address the emerging challenges posed by the digital era¹⁴. With the proliferation of online platforms and the increasing digitization of creative content¹⁵, India has recognized the need for robust copyright protection mechanisms¹⁶. Efforts to combat online piracy, safeguard digital content, and promote a thriving creative ecosystem have been central to these endeavors. Through ongoing reforms and adaptations, India aims to foster a conducive environment for creativity, innovation, and cultural expression in the digital age.

laws with global standards and obligations¹⁷. Recent trends underscore a continued commitment to updating and adapting copyright laws to meet the evolving needs of the digital era. Efforts to combat online piracy¹⁸, protect digital content, and promote a thriving creative ecosystem are indicative of India's aspirations to foster innovation and cultural expression while upholding intellectual property rights¹⁹.

Overall, India's journey in copyright regulation reflects a balance between historical legacy, national imperatives, international obligations, and contemporary challenges. As India continues to navigate the complexities of the digital landscape and global trade dynamics, the

¹² Ben Depoorter, 'Technology And Uncertainty: The Shaping Effect On Copyright Law', University of Pennsylvania Law Review [Vol. 157], 2009, pg 1835

¹³ Ayush Sarma, 'Indian Perspective of Fair Dealing under Copyright Law: Lex Lata or Lex Ferenda?' Published in Journal of Intellectual Property Rights Vol. 14, November 2009 page 523 to 531

¹⁴ Boyd, S. —Deriving Originality in Derivative Works: Considering the Quantum of Originality Needed to Attain Copyright Protection in a Derivative Work 40 Santa Clara L. Rev. (2000)

¹⁵ Brian A. Dahl, Note, Originality and Creativity in Reporter Pagination: A Contradiction in Terms?, 74 IOWA L. REV. 713 (1989);

¹⁶ C Premsai, 'Degree of Originality' Copyright protection for Primary and Derivative Works, 3 MANUPATRA INTELLECTUAL PROPERTY REPORTS 17, 27 (2008).

¹⁷ Brian Still & Kirk St. Amant "Examining Open Source Software Licenses through the Creative Commons Licensing Model". Handbook of Research on Open Source Software: Technological, Economic, and Social Perspectives. Information Science Reference. (2007).

¹⁸ Brown Mary, Bryan Robert M & Conley John M, Database protection in a digital world, Richmond Journal of Law & Technology, 6 (1) (1999).

¹⁹ Brill, Charles, —Legal Protection of Collection of Facts||, Computer Law Review & Technology Journal Vol.1, 1998,

evolution of its copyright laws will remain a critical aspect of its broader socio-economic and cultural aspirations. Through ongoing reforms and proactive measures, India aims to create an enabling environment that nurtures creativity, fosters innovation, and safeguards the rights of creators and rights holders in the digital age and beyond.

SCOPE AND COVERAGE OF INDIAN COPYRIGHT LAWS

The scope of protection provided by Indian copyright laws is comprehensive, encompassing a wide range of creative works across various artistic and intellectual domains. Indian copyright legislation, as outlined in the Copyright Act of 1957 and subsequent amendments, provides protection for the following categories of works:

1. **Literary Works:** Literary works form a broad category that includes writings, books, manuscripts, computer programs, compilations, and other textual works²⁰. This category covers a diverse range of literary expressions, including novels, poems, essays, articles, textbooks, and software codes. Authors and creators of literary works are granted exclusive rights to reproduce, publish, distribute, and perform their works under Indian copyright law²¹.
2. **Artistic Works:** Artistic works encompass visual creations such as paintings, drawings, sculptures, photographs, architectural designs, and works of applied art. This category extends copyright protection to the visual expressions of artists²², photographers, sculptors, and designers, allowing them to control the reproduction, display, and adaptation of their artworks²³.
3. **Musical Works:** Musical works include compositions, melodies, songs, and musical scores created by composers, songwriters, and music producers. Indian copyright laws protect the musical compositions themselves, as well as the underlying musical notes, lyrics, and arrangements²⁴. Copyright holders of musical works have exclusive rights

²⁰ Office of United States Trade Representative. Special Report 301. (Online) Available at <http://ustr.gov/sites/default/files/2015-Special-301-Report-Final.pdf> (Accessed on 30 August 2017)

²¹ Department for Promotion of Industry and Internal Trade. Draft. (Online) Available at www.dipp.nic.in/English/Schemes/intellectual_property_rights.aspx (Accessed on 16 September 2017)

²² The Hindu. (2001) Protection of Trade secrets, Undisclosed Information. (Online) Available at <http://www.thehindu.com/thehindu/biz/2001/11/22/stories/2001112200060100.html> (Accessed on 8 November 2017)

²³ Exemptions and Fair Use in Copyright : The Exclusive Rights Tensions in the 1976 Copyright Act by Seltzer, Leon E, Harvard University Press 1977

²⁴ Brain, T. Yeh. Protection of Trade Secrets: Overview of Current Law and Legislation. (Online) Available at <https://fas.org/sgp/crs/secrecy/R43714.pdf> (Accessed on 2 December 2017)

to reproduce, perform, and distribute their compositions in various formats and mediums²⁵.

4. **Dramatic Works:** Dramatic works comprise plays, scripts, screenplays, choreographic works, and other theatrical productions intended for performance before an audience. This category encompasses the textual and visual elements of dramatic performances, including dialogue, characters, settings, and stage directions²⁶. Copyright protection for dramatic works extends to the script, dialogue, and stage directions, allowing playwrights and authors to control the performance and adaptation of their works²⁷.
5. **Cinematographic Films:** Cinematographic films include motion pictures, movies, documentaries, and audiovisual recordings produced for public exhibition in theaters or through digital platforms. Indian copyright laws grant protection to the entire audiovisual work, including the screenplay, dialogue, musical score, cinematography, and editing. Filmmakers and producers hold exclusive rights to reproduce, distribute, and exhibit their films, as well as to authorize adaptations and translations.
6. **Sound Recordings:** Sound recordings encompass audio recordings, music albums, podcasts, and other recorded sounds fixed in a tangible medium, such as CDs, vinyl records, digital audio files, and streaming platforms²⁸. Copyright protection for sound recordings extends to the recorded performance, arrangement, and production of musical and spoken-word content. Record labels and producers hold exclusive rights to reproduce, distribute, and publicly perform their sound recordings²⁹.

Overall, Indian copyright laws provide broad and robust protection for a diverse range of creative works, ensuring that authors, artists, composers, filmmakers, and other creators enjoy exclusive rights to their intellectual and artistic creations³⁰. By recognizing and safeguarding

²⁵ United States Trade Secret Law. (Online) Available at http://www.mccormacklegal.com/pdf/US_TradeSecretLaw.pdf (Accessed on 8 December 2017)

²⁶ Draft Innovation Law. (Online) Available at <http://www.dst.gov.in/draftinnovationlaw.pdf> (Accessed on 24 May, 2017)

²⁷ Legal Information Institute. Trade Secrets. (Online) Available at https://www.law.cornell.edu/wex/trade_secret (Accessed on 15 January 2018)

²⁸ European IPR Help Desk. (2015) How to Manage Confidential Business Information. https://www.iprhelpdesk.eu/sites/default/files/newsdocuments/How_to_manage_confidential_business_information.pdf. (Accessed on 17 January 2018)

²⁹ Fair Use and Free Inquiry: Copyright Law and the New Media by John Shelton Lawrence, Bernard Timber Harvard Law Review, Vol. 94, No. 6 (Apr., 1981), pp. 1518-1520

³⁰ WIPO. What is Intellectual Property. (Online) Available at http://www.wipo.int/edocs/pubdocs/en/intproperty/450/wipo_pub_450.pdf (Accessed on 24 January 2018)



the rights of creators across various artistic disciplines, Indian copyright laws contribute to the promotion of cultural diversity, innovation, and economic growth in the country

CONCLUSION

In conclusion, the evolution of copyright laws in India reflects a dynamic interplay of historical legacies, post-independence developments, international obligations, and contemporary trends. Initially shaped by British colonial influence³¹, India's copyright regime underwent significant reforms after gaining independence in 1947³². The enactment of the Copyright Act of 1957 represented a landmark moment, consolidating and expanding copyright protection to encompass a diverse range of creative works. Subsequent amendments, particularly the Copyright (Amendment) Act of 2012, have been instrumental in modernizing India's copyright laws to address the challenges of the digital age, such as digital rights management and internet piracy³³.

India's participation in international copyright agreements, including the Berne Convention and the TRIPS Agreement, has further shaped its copyright framework by aligning domestic

³¹ Bruce Perelman, 'Proving Copyright Infringement Of Computer Software: An Analytical Framework', *Loyola Of Los Angeles Law Review* Vol. 18, 1995,

³² Brian Pelanda, "Declarations of Cultural Independence: The Nationalistic Imperative Behind the Passage of Early American Copyright Laws, 1783-1787". 58 *Journal of the Copyright Society of the USA*, 2011

³³ Carstemns, David W. (1994), —Legal Protection of Computer Software: Patents, Copyrights, and Trade Secrets, *J.CONTEMP. L.*, Vol.20