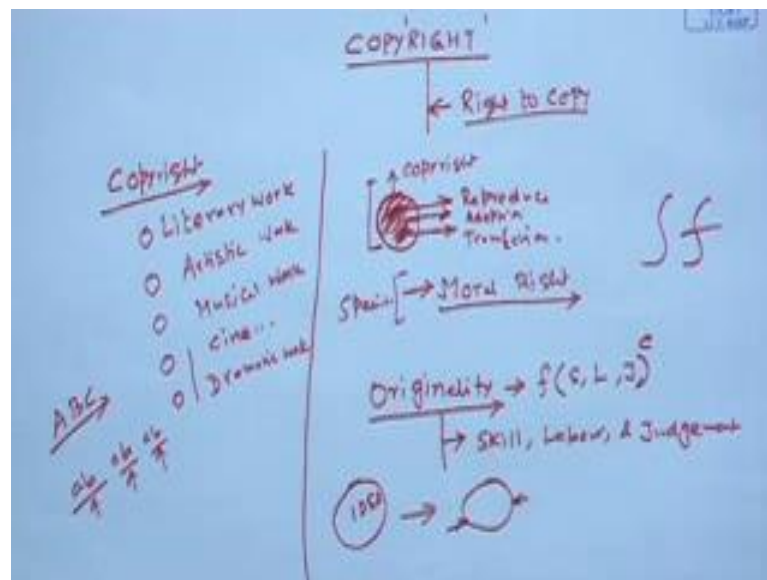


Introduction on Intellectual Property to Engineers and Technologists
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Lecture - 17
Copyright Basic

So, today we will discuss that another important form of IP.

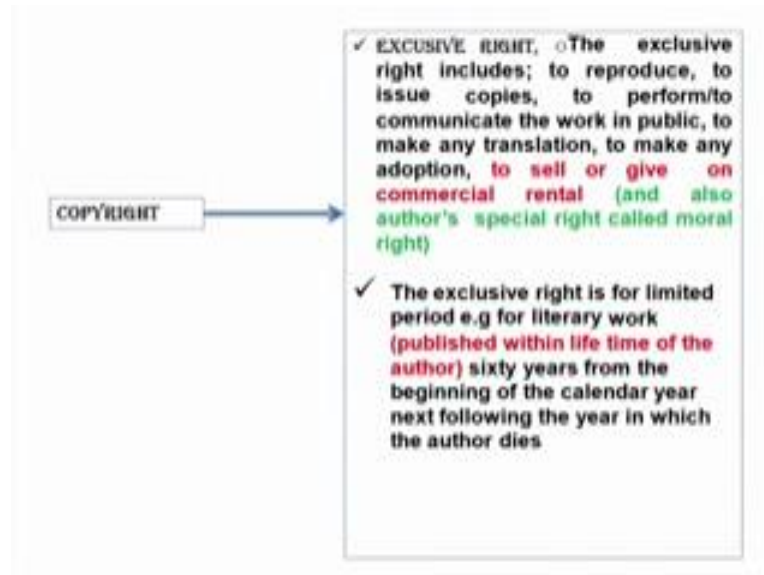
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Some cases people told that copy right is a real form of intellectual property where the intellectual contribution is more compare to the other industrial properties, although industrial property is just like a industria (Refer Time: 00:49) wants his more by hire intellectual (Refer Time: 00:51) are more, just like a copy rights. So, copy rights in the word itself indicating the right to copy, means copy right if I say separate the two word just write two phase copy rights., so right to copy, right to copy. Now if you consider who has the right to copy, copy of what, so why right is required to be provided and what right on what, to whom you should give rights then how the right will be evaluated who will be consider valuator, what way I try to make some balance with reference to the

right of the owners and right of the rest of the people rest all those things will come up within the purview, within the scope of this class.

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Now let say I already told you copy rights is just like say an exclusive right, exclusive rights. So, a copy right is exclusive rights just like other form of intellectual property rights. So, if you say just like a when I tried let us know how it has emerged just like I say with reference to let say copy, copy means ultimately we are thinking about copy in a paper, copy in a CD, copy just like a before invention of that electronic media, copy we are considering copy in a paper form. So, if I go back in say 15-16 centuries. So, there suggested that before invention of the printing press peoples or creators or authors was not bothers about their say about their work to be (Refer Time: 03:08) their copies.

Because understood that though coping was very laborious interiors job. So, no one was interested to make a copy of a particular poem or particular stories or particular stories or particular article not because the copy was make a among coping was difficult task, but when the printing press came then it was found that lots of say just like a every cow has a cub that philosophy that every book has a copy, a virtue of the printing press. So, then the authors was deprived of their creations that lead to the that let us say formation of gilt

just like a some mechanism by cooperators association to regulate the piracies and give some sorts of protection to the authors license by means of license.

Similarly, (Refer Time: 04:17) gradually you know the statute of on the first statute with reference to the cooperators has emerged. So, it was initially started to the literally work means let say with reference to that literally means you understood that what about I have written here we can consider of the this is also literally work. So, this is started to the literally work then say same way the piracy was happening in a other domains just like a artistic domain and musical work architectural work all those things also came and incorporative in the for view of copy rights.

So, you understood why the need of copy rights, copy rights means to ultimately for take the interest of the creators or authors. So, because there when there was invention, invention of the printing press then they were that multiple copies of a creators what have been happening easily then, there authors was deprived of their rights so that will lead to that formulation or incorporation statute of an, that was a first legislation was cooperated subsequently and that are different countries have been enacted subsequently just like a enacted the copy right act to protect the creation or creation of the authors and the domain of cooperate have been enlarged from literary work to the musical work to cinematographic frames. Based on the creation when the creation is more in a particular domain there is need a protection just like a when artist work was come up he used then I understood that then also piracy was happening so then requirement of protection lies there.

So, in the copy right (Refer Time: 06:05) getting that is an exclusive right when you discuss about the patent the important (Refer Time: 06:09) difference will get it. Here the right have been designed in a positive way, patent right have been designed in a negative way, but here right have been designed in a positive way. This right exclusive right is coming up in the purview of to reproduce, to issue copies, reproduce understood the reproduction of the original work, to issue copies you can issue in the copies of your work to perform or communicate to the work to the public the you can communicate the work to the public to make translation you can translate the work to make an adaptation, adaptation I can adopt this just like say adaptation is when define conversion of one form

of article to another form of article. Some time you can consider conversion of two dimensional thing into two dimensional things into three dimensional thing also come up in the form of a two dimensional things. So, three dimensional things come up in the form of adaptation.

So, similarly some time people told that conversion of dramatic work to cinematographic work may be come up in the purview of adaptation. So, what are the rights have been provided including the commercial rental rights then also some special right to the authors in the form of moral rights. So, exclusive rights and positive right have been casted and they have been given a bundle of rights, some time they preferred they referred as let say a broom - broom have been a large number of sticks just like a one sticks to right to reproduce then right to just like a adopt, adaptation. So, then translation they are all a bundle just a broom all have been enacted together in the purview of copy right.

So, each stick is representing one sort of rights adaptation, translation, reproduction, coping, translation all those things have been represented by within that bundle. So, along with that is a this is an another special right have been provided to the authors that is called moral rights some time you call it is a right of integrity paternity what do you mean by that? If you draw as such I am writing my writings somehow we will not matched any way with another person's writing. So, some parts of body is painting or others painting or way of representing something will not match will another other portion. So, some time you call right to paternity or right to integrates. So, that is coming up in the purview of moral rights. So, these are the broom and another special part is coming up within the purview of copy exclusive rights.

So, exclusive rights with reference to reproduction, adaptation, translation; adaptation and translation you consider the just like say you have written a book on German language if somebody want to make it in the English format by then he has to translate it from German to English this is translation. So, that right have then provided to also the authors of original work. So, what are the rights we are getting? So, copy right means exclusive right in the form of bundle of rights whatever I am expecting in the from broom than a rights includes reproduction, issues of copy, performance work to the

communicate work to the public, make translation make adaptation, to sell give on commercial rental, you can give an commercial rental rights also with reference to few cases few works.

So, just like I say then as a characteristics of intellectual property rights. So, already I referred the characteristics of intellectual property rights are rights say somehow we give that right to be limited period or right just like a patent it is exclusive right have been provided for how long 20 years. So, here similarly the exclusive right a provided for literary work is in a respect of India that if published within the life time author 60 years from the just like a exclusive right is for limited period for literary work published within the life time authors. I will explain that part, 60 years from the beginning of the calendar year next following the years in which the author dies, so life plus 60 years some time you call it. Hence the other countries they have generally life plus 70s like this.

So, minimum should life plus 50 and this have been extended considering the (Refer Time: 11:08) work in India. So, initially they are also life plus 50. So, now, considering the value of the work of (Refer Time: 11:18) the cooperated act of India emended and the life of the literary work have been extended for life plus 60 years, so understood that. So, what features I got it? Exclusive right and definitely limited period, but limited period also some respect what you are getting limited period is a extending beyond the life of the authors. So, say you can consider limited period is also on larger means more compare to whatever he have learnt with respect to patent or (Refer Time: 11:50) protection.

So, if I now say summarized with reference to copy right what do mean by copy right? Right to copy whatever I (Refer Time: 12:01) understanding, but right to copy is coming up by virtue of a bundle of a rights means a exclusive right to reproduce make copies, rental rights, selling rights, adoption and translation rights, and special right, like you moral rights and the period of protection is for 60 years. So, we try to get (Refer Time: 12:23) with reference to the (Refer Time: 12:24) operator we got enhancer to prevent piracy to give some source of incentive to the authors, what sorts of right been provided in the copy rights? I told you copy right have been casted in a positive way and we have even given exclusive right in the form of say commercial right some time people refer

those commercial right by exclusive right to means virtual production and along with the special right by virtual moral rights.

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COPYRIGHT SUBSISTS IN


•Original literary work. Literary works includes **COMPUTER PROGRAM, Tables and Compilations including Databases.**

- **MUSICAL WORK.....MUSIC AND GRAPHICAL NOTATION DOES NOT INCLUDE WORD**
- **DRAMATIC WORK**
- **ARTISTIC WORK**
- **CINEMATOGRAPHIC FILM**
- **SOUND RECORDING**
- **ARCHITECTURAL WORK**

Criteria for a work to get Copyright Protection

- ◆ **Originality [originated from author involving skill, labour and judgment and or creativity]**
- ◆ **Fixed in a tangible medium////////**

[Copyright does not protect idea, facts, systems, or methods of operat



So, you got those thing what rights as such have been what is the rights in the purview copy rights, just like a broom within the broom what are the sticks you got it and what special things within the copy rights what idea. Now see just like a patent, patent protect invention. So, what are the things will come within the domain of copy right? I referred all ready when I discussing about the historical development of copy right, so copy right protects what in the domain of now you got the things just like a initially started with what literary work, literary or a literary work started with literary work, then say artistic work, so literary work, then artistic work then let us say musical work, then cinematographic film - film then dramatic work also coming up here dramatic work. So, I am just not writing.

So, these are the different categories of work will come just like invention there product and process now here work what can the different categories is coming in the purview of copy rights. So, just like I am reading, now slides original literary work. So, literary work include computer program important part here for you technical student. So, within the literary work what are the things you are getting? Computer program is also coming

in the purview of literary work then they will be compilations including databases or databases also coming within the purview of literary work. Just I say what do you mean by literary work if I ask you just like a somebody written A B C whether it will be considered literary work somebody written ab ab ab will be considered literary work whether for to consider something literary work whether I required literary merit.

So, some time people referred if something provided information instruction pleasures if something just like I told you intellectual property if I say information, so literary work that based on say case analysis I can consider literary work may be if that work may say the form of literary domain give some sorts of information by A B C it gives some sort of information, pleasure, instruction then A B C may qualify as a literary work. So, similarly ab ab ab, not like say I do not required to have sufficient literary merits, but should not have mere trivial also, but for the they are telling it should have characteristics like it should provides some sorts of information instruction pleasure information instruction pleasure let considering that part.

So, now for you people now within that for your understanding the computer program is literary work table and compilations if you excel city if you create a table and compilations some data then it will be consider as a data basis. Data may not be consider as a come within a purview of copy right, but compilation of those data in the form of data basis may be form up come within the purview of copy right. Similarly arrangement rearrangement of those data is a compilation; compilation will be considered a copy right protected work in the purview of literary work.

Similarly, musical work, musical work means music and graphical notation does not include a company word. So, this is the definition of musical work as per Indian cooperative law, but US cooperative law then define musical work includes word a company word. So, if I consider song, song will be considered per say not musical work because song accompanying the musical along with the word. So, musical work means song will not come in the form of musical work song will be consider as a composite work means it consider of musical con system musical work along with that word make a come up within the purview of a composition that particular thing will come up within the purview literary work.

But US they consider musical work I mean song as a musical work. So, does not include a include word, accompanying word I can you can consider then dramatic work dramatic work just like a just like a people act in a drama, actual acting if I consider dramatic work consider cinematographic film you understood the difference. Just like here you can create some moving image here you can actual players act here, but here you create moving image just like a video games also can come when the purview of cinematographic film then the artistic work you know that painting, cultures and others thing will come in the purview of artistic work. Then sound recording is the important parameter just like say somebody giving a speech, somebody is recording that speech if that includes the sound another part it record that part may definitely (Refer Time: 18:25) that the sound involve in that speech another part then person who is recording will get right to reference to sound recording on that part, but now you may consider the who that whether it will get separate copy rights or it is a copy of the speech or written by somebody that by (Refer Time: 18:42) then architectural work just like a Taj Mahal, Qutub Minar, the lotus temple will be consider an architectural work.

So, now you got the two things means let say what copy right is and what is will come within the purview of copy rights. So, now, one important parameters that whether all works in the literary artistic musical work will be eligible to get copy right protection or we required some sorts of criteria, with reference to the each categories of work including your compilations data basis or say notation. So, the criteria just like a referred with reference to the no patent that novelty. So similarly here we have created one criteria this is very little that we consider originality. So, the criteria for a work to get coop right protection then is originate the works, would be original works of authors it just like a if you read that Indian copy writer that original works of authorship know original works of authorship.

Now, the question lies if I ask that novelty and originality how it differs. So, novelty means no prior art, novelty means no prior art, originality means originated from authors original no duplicate. So, originated from authors, originated from authors original means originated from authors if I give an example let say I have told you to write some answer to some questions and somehow if all the people wrote the answers and I found out that all the answers are same and if you prove that all the answer have originated is

individual without copying to somebody is else then I can consider all are original not copied, all are original not copied understood; originated from the authors originated from the authors, so not copied. So, originality means not copied originated from the authors.

So, originality is the criteria required for copy rights. So, if I consider novelty and originality difference novelty means no prior art, now out of those answers if some things come up fast then it will be consider compare to the his answers others answer may not be consider novel because one answer is already available in the public domains. But originality means if I something which I consider, so something say which will be subset or super set whether all the novels are original. So, all originals are novel can you analyze that part.

So, novels means already available in the public domains original means that originated from the authors. So, if is something is originated from the authors and available in the public domains then available in the public domains then you understand the novelty may be lost, but it originated from the author is original so that way you may analyzed that difference between the novelty and originality, novelty and originality - novelty means no prior art, originality means orientated from authors. But to make these criteria more objectively different should tests have been adapted by different jurisdiction judiciaries just like say sometime originality is judged by skill, labour and judgment.

Sometime I referred originality is a function of skill, labour, judgment what do you mean by skill, labour, judgment you may read the case of (Refer Time: 23:03) just like I say some on (Refer Time: 23:06) versus rural telecom industries (Refer Time: 23:12) versus rural telecom industries regarding the telephone directories. So, one company have been in the telephone directory another company ask the telephone directory to them, but a that company denied them then subsequently that company second company had the gone to the different people collected the data and created a telephone directory and some aspects of that those two directories have been found similar. Then to judge whether the one of them is original or not then somehow adopted the skill labor judgment type of (Refer Time: 2:46) adopted their skill. The skill their rotate their judgment, the skill their adopted the judgment they put up their labour they go to the

different people and collected the data basis. So, skill labour judgment is a requirement for to considering originality though along with the skill labour judgment another criteria say another say feather have been incorporated in an US (Refer Time: 24:11) and some cases in respect of India sometime you call modicum of creativity, minimum level of creativity should be there in respect of that creation.

So, modicum of creativity minimum level of creativity along with the, not only just skill labour judgment along with that some sets level of creativity should be there what do you mean by modicum of creativity. So, understood you have designed something like this way, somebody may design it let say different. So, somebody come up creativity involved in respect of second person creation. So, just like say, skill, labour, judgment is the criteria for say originality. So, sometime incorporated and or creativity for the (Refer Time: 24:55) modicum of creativity minimum level of creativity universal pictures case. So, minimum level of creativity should be involved along with the skill labour of judgment. So, that will be decided based on the case to case basis.

Again another part say just I say copy right does not protect idea copy right protection does not available for idea facts systems method of operations copy right protection is not available for those sorts of elements idea facts systems methods of operations and another part that copy right should be so understood, the copy right does not protect idea. So, idea we are considering p as here it does not protect facts just like a (Refer Time: 25:42) exploration in a particular area that is a facts that represent in a particular ways that may be a consider to be copy righted the system, methods just like say these are the may come up within the purview of patents. So, (Refer Time: 25:55) aspects does not coming or utility aspects not coming within the purview of copy right.

So, another part say, we can referred here that it should be fixed in a tangible medium because why say something idea is how will value (Refer Time: 26:11) I told you how will value measures the idea, if idea if you fixed in a tangible medium then you somehow tangibilizing that idea. So, for that reason you consider that requirement of fixation. So, you have to be fixed in a tangible medium, so for that reason we referred copy right does not protect idea, but copy right protect expression of idea.

So, one idea may generate n number of expression. So, n number of copy rights. So, from just like I say a consider a love stories of a male and female from that idea you can generate n number of cinematographic film, n number of dramatic work, each will qualify to be copyrightable, got the thing. So, let us summarize. So, what is copy right? It is in the exclusive right for different categories of work; just like say literary work, artistic work, musical work, all sorts of things will come within the purview of copy right. For copy rights to get copy right criteria means originality and fixation means should be fixed in a tangible medium.

Why tangible medium fixation is required? You understood idea is free as here. So, ultimately to make the keeps and bounce of the protection means what are the, what is to be protected at least you required to be tangibalize otherwise how will you consider that. So, should be fixed in a tangible medium. So, for the reason we referring that idea copy right does not protect idea facts just like a news, item, simply facts, but news item how you representing than just I say each news papers may the facts part is not coming within the purview of copy right, but the facts they are representing in different ways that may come up within the purview of copy rights.

Similarly, copy right is not provided to the systems, method of operation, this utility and aspects those are coming within the purview of patents. So, have been excluded from the from copy right part. So, you got some idea just like within a short span of time regarding copy right because copy right is an essential elements for a every days life just like you start reading news paper in the early morning and you go to bed with listening music, so understood the ambit of copy rights. So, you should have knowledge with reference to the copy rights, just like say criteria and copy right and how can you create the copy right, all those things.

Thank you.