

Narayana Translational Research and Incubation Centre
Conducted the Online Workshop via Zoom portal on
Intellectual Property Rights – Copyrights

August 6, 2021; 4 pm

Speaker



Dr. P. Karthigeyan, M. Tech , Ph.D. (Intellectual Property rights) ,
PGDIPR, DICFS (Cyber Security) , PGDEP (Entrepreneurship),
PGDCFS (Criminology & forensic Science) , R&D Manager, MSME-TC, Ministry of
MSME, Government of India. Former Research scientist, I.I.T Madras,
GI Advocate No. 57 DPIIT, Ministry of commerce & Industry, Govt. of India

IIC – President



Dr. Surya Prakasa Rao, MD
Professor and Dean,
Narayana Medical College,
Nellore, Andhra Pradesh, India.

IIC - Convenor

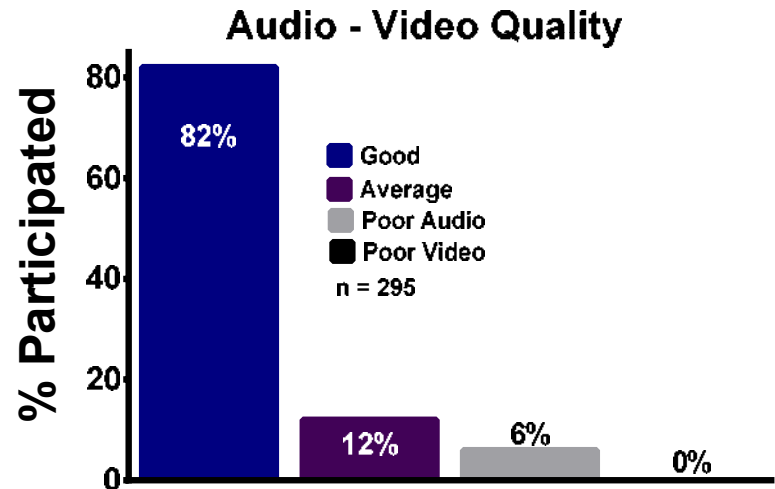
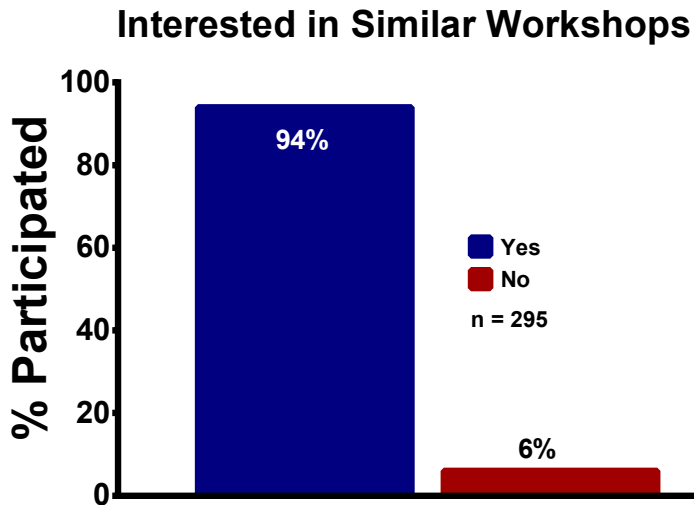
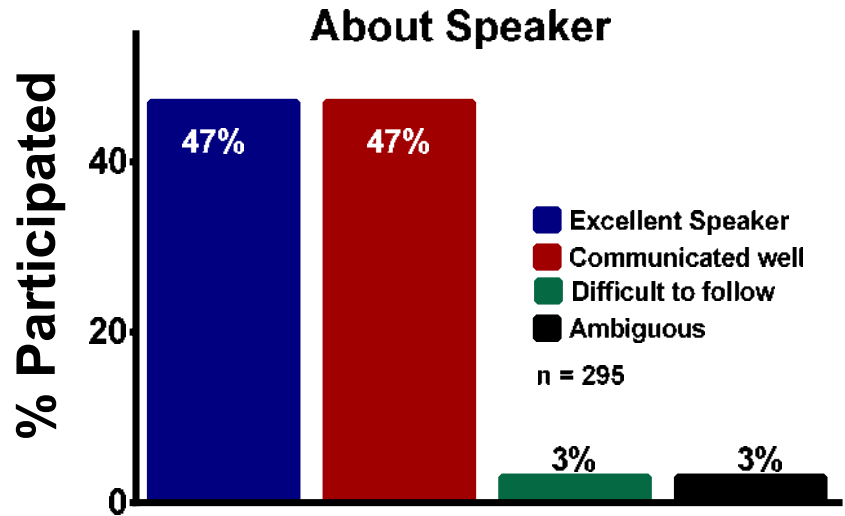
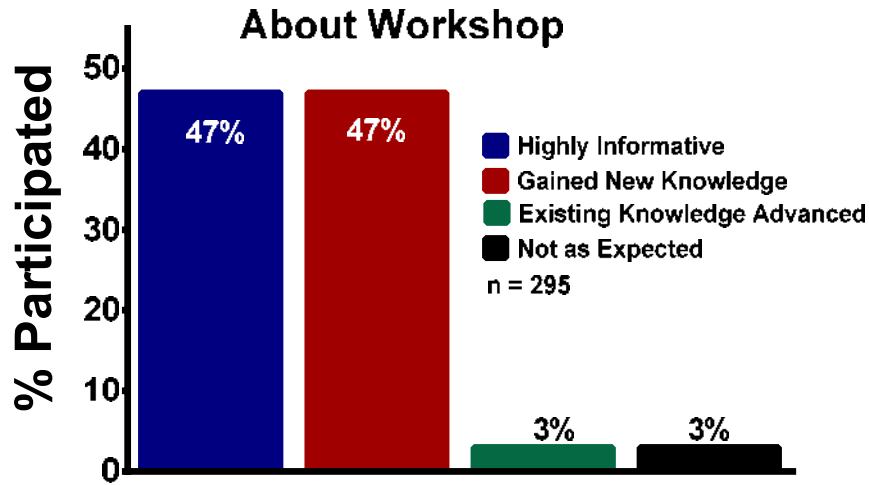


Dr. Sivakumar Vijayaraghavalu, Ph.D.
Professor and Head,
Narayana Translational Research and Incubation Centre,
Mobile - 8925744196;
E-mail - drvshiva@narayanamedicalcollege.com

Registrants Profile:

Registrants Profile - Total 295 registrants from India (95%) and other countries (5%) – which includes Sweden, Saudi Arabia, USA, Sudan, UK and British Virgin Islands. Indian registrants were from across the country with higher percentage from Andhra Pradesh (75%), followed by Tamil Nadu (20%); rest of the 5% are from the following states – Telangana, Karnataka, New Delhi, Assam, Pondicherry, Uttar Pradesh and Kerala.

Registrants – Poll Survey Results



The IIC – convener, Dr. Sivakumar Vijayaraghavalu, greeted and invited the participants to the workshop on behalf of organization, honorable dean and IIC- president Dr. SP Rao and IIC-staff and student members of all Narayana professional colleges – Medical, Dental, Nursing, Pharmacy and Physiotherapy.

He further stated that this workshop is conducted as part of the IIC activity to create awareness about IPR in particular about the copyrights. Today's speaker

Dr. Karthigeyan; is with a unique background – he has **M. Tech degree in engineering and a Ph.D. in Intellectual Property Rights (IPR)**. Additionally, - he

has PG diplomas in IPR, cyber security, entrepreneurship, criminology and forensic sciences.

He is currently working as an IPR manager in MSME technology center, Ministry of MSME, Odisha, Government of India. Previously he was a research scientist in Intellectual Property Management (IPM) division of Indian Institute of Technology Madras (IIT-M), Chennai, India. He is also a Geographical Indication (GI) advocate (Agent No. 57), Govt. of India and an expert panel reviewer for BIG- BIRAC grants, Govt. of India. He is well accomplished IPR lawyer and scientist with more than 50 journal publications, patents, designs, GI's, copy rights, trademarks, conferences and proceedings, as well 3 projects on National Security published in Times of India.

Some of his success stories as consulting IP lawyer includes – facilitation of Rs. 72 crores for startup applicant “Tzar Aerospace Pvt Ltd” by performing IP due Diligence & Competitive Intelligence analytics (Market potential evaluation) and FTO analytics of the applicant innovations. Similarly, he helped an orthodontic surgeon to obtain 50 lakhs as research grant from BIRAC – DBT and a start up to receive National Award for his Innovation - “an automatic wheel chair for the patients suffering from cerebral palsy”. As a consultant Dr. Karthigeyan generated the revenue of Rs. 14 lakhs in 3 years for MSME technology center, Ministry of MSME, Odisha, Government of India.

He filed Geographical Indication (App. No. 610; certificate # 344) for a potent turmeric variety – Kandhamal turmeric grown in Odisha. With this given educational and work experience, he will be the appropriate speaker for this chosen topic. Dr. Karthigeyan also helped us in filing almost 7 patents and a copyright in this last one year.

Then he requested Dr. Karthigeyan to take over the session and deliver the lecture. Dr. Karthigeyan, comprehensively explained about the copyrights with examples.

At the end of his talk; the speaker conducted a small quiz about the copyrights; participants including Professor Dr. S. Thirunavukkarasu, Head of Surgical Gastroenterology also participated and answered the quiz. Then the convener thanked the organization, IIC – president and participants.

The workshop was highly commended by the participants. The poll data shown that more than 90% are highly satisfied and felt that the workshop was highly informative and requested the IIC to organize more such workshops in the future. The screen shot of the PPT's of the speaker Dr. Karthigeyan is given below. The video of this workshop was posted in the YouTube - <https://youtu.be/wcx6TGPflaE> . E-certificate was issued to the participants.

Sample certificate given to Panelists and Registrants



Narayana Medical College

Nellore, Andhra Pradesh, India.



Certificate

This Certificate is Proudly Presented to Dr./Mr./Mrs./Ms.

Dr. S. Thirunavukkarasu

For participating as a panelist in the workshop entitled “**Intellectual Property Rights - Copyrights**” conducted by, Narayana Translational Research and Incubation Centre (NTRIC) & Institution’s Innovation Council on August 6, 2021.

Dr. Sivakumar Vijayaraghavalu
Professor & Head, NTRIC;
Convenor, Institution’s Innovation Council

Dr. Surya Prakash Rao
Professor & Dean
President, Institution’s Innovation Council

AWARENESS ON INTELLECTUAL PROPERTY RIGHTS- COPYRIGHTS



Presented by

Dr. P. Karthigeyan Ph.D (IPR), DIPFCS, PGDIPR,PGDEP,PGDCRFS

R & D Manager, MSME- TC, Ministry of MSME, Govt of India

Former Research Scientist, I.I.T Madras

Exper panel reviewer, BIG-BIRAC, Govt of India

GI Advocate no:57, GI Registry, Govt of India

Visiting Faculty,IPR &cyber crime,Tamil Nadu Police Dept,

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COPYRIGHT

"The exclusive right given by law for a certain term of years to an author, composer etc. (or his assignee) to print, publish and sell copies of his original work"

- + Original Literary, Dramatic, Musical and Artistic Works
- + Cinematograph Films
- + Sound Recordings



What is covered by copyright?

Literary



Films



Dramatic



Musical



Artistic



Sound Recording



Ownership of copyright

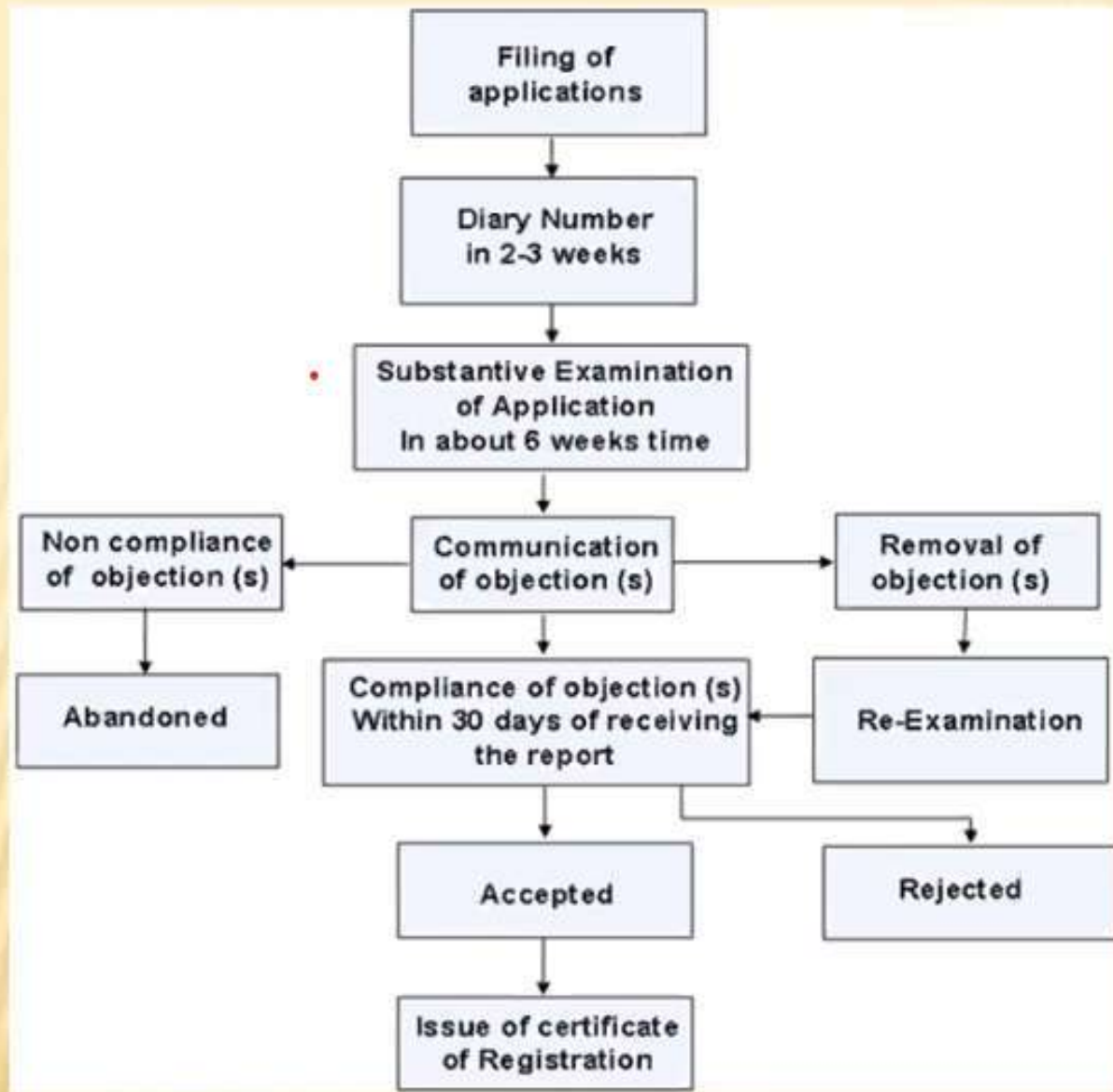
- By virtue of section 17, the author of the work is the first owner of the copyright in the work

Literary or dramatic work	The author of the work
Musical work	the composer
An artistic work (other than photograph)	The artist
Photograph	The person take the photograph
Cinematograph film	The producer
Sound recording	The producer
Literary, dramatic, musical or artist work which is computer generated	The person who causes the work to be created

DURATION OF COPYRIGHT

- ✘ Literary, dramatic, Musical and Artistic Works published during life time of author: **Life + 60 years**
- ✘ All Other Works: **60 years** from date of publication
 - + Posthumous, Anonymous Works
 - + Works of Government and Organizations
 - + Cinema and Sound Recording
 - + Photograph

Copyright filing procedure



Copyright filing forms

- FORM-XIV-Application For Registration Of Copyrights
- Statement of Particulars
- Statement of Further Particulars
- Form Of Authorisation In The Matter Of The Copyright Act, 1957
- No Objection Letter

Copyright Fee details

Fee Details

FEE CAN BE PAID BY POSTAL ODER /DEMAND DRAFT/ONLINE PAYMENT PAYABLE TO "REGISTRAR OF COPYRIGHTS, NEW DELHI":

S.No.	For an application for COMPULSORY LICENSE :	Fee
1.	For a license to republish a Literary, Dramatic, Musical or Artistic work (Sections 31, 31A, 31B and 32A)	Rs. 5,000/- per work
2.	For a license to communicate an any work to the public by Broadcast(Section 31(1)(b))	Rs. 40,000/- per applicant/per sataton
3.	For license to republish a Cinematograph Film (Section 31)	Rs. 15,000/- per work
4.	For a license to republish a sound recording (Section 31)	Rs. 10,000/- per work
5.	For a license to perform any work in public (Section 31)	Rs. 5,000/- per work
6.	For a license to publish or communicate to the public the work or translation (Section 31A)	Rs. 5,000/- per work
7.	For a license to publish any work in any format useful for person with disability (Section 31 B)	Rs. 2,000/- per work
8.	For an application for a license to produce and publish a translation of a Literary or Dramatic work in any Language (Section 32 & 32-A)	Rs. 5,000/- per work
	For an application for registration or copyright in a:	
9.	(a)Literary, Dramatic, Musical or Artistic work	Rs. 500/- per work
	(b)Providd that in respect of a Literary or Artistic work which is used or is capable of being used in relation to any goods or services (Section 45)	Rs. 2,000/- per work
	For an application for change in particulars of copyright entered in the Register of Copyrights in respect of a:	
10.	(a)Literary, Dramatic, Musical or Artistic work	Rs. 200/- per work
	(b)Provided that in respect of a literary or Artistic work which is used or is capable of being used in relation to any goods or services (Section 45)	Rs. 1,000/- per work
11.	For an application for registration of Copyright in a Cinematograph Film (Section 45)	Rs. 5,000/- per work
12.	For an application for registration of change in particulars of copyright entered in the Register of Copyrights in respect of Cinematograph film (Section 45)	Rs. 2,000/- per work
13.	For an application for registration of copyright in a Sound Recording (Section 45)	Rs. 2,000/- per work

COPYRIGHT ACT 1957 – MAIN FEATURES

- ✘ Valid from **21 January 1958**
- ✘ Created Copyright Office and Copyright Board
- ✘ Introduced ***civil and criminal remedies*** against infringement

COPYRIGHT ACT 1957 – MAIN FEATURES (II)

- **Performing rights societies'** rights (for instance, music royalties)
- **Definition of categories** in copyright actually subsists
- **Definition** of infringement



RIGHTS

Moral Rights (To protect personality of author)

- Right of Authorship
- Right of Integrity
- Inalienable /absolute/non-transferable Rights

Economic Rights (To bring economic benefits)

- Right of Reproduction (Making copies)
- Right of Distribution/Issuing Copies
- Right of Communication to the Public (Public Performance or Internet Communication)
- Adaptation Rights (Conversion into another form e.g. literary to drama, Abridgement, Picturization, comic formats)
- Right to make a cinematograph film or sound recording
- Translation Rights
- Rental Rights
- Resale Rights for original artistic works.

RELATED RIGHTS

- Rights granted by law to communicators of works to the public
 - Performers
 - Producers
 - Broadcasting Organizations

PERFORMER'S RIGHTS

- Recording, broadcasting and communicating to the public of a live performance
- Presumption of transfer of performer's right to cinematographic film producer
- Duration: 50 years

RIGHTS OF BROADCASTERS

- Broadcast Reproduction Right
- Re-broadcasting, Recording and Communicating to the Public of a Broadcast
- Duration: **25 Years**

Licensing of copyright

1) Voluntary licence (sec 30)

■ Section 30 of the copyright Act empower the owner of copyright in any existing or prospective owner of the copyright in any future work to grant any interest in the right by license in writing signed by him

2) Compulsory licence (sec 31)

- The work must have been published or performed in the public.
- The author must have refused to republish or allow to republish
 - That by reason of such refusal the work is withheld from public
- The author must have refused to allow communication to the public of such work by broadcast

When (Copy)right becomes wrong

INFRINGEMENT OF COPYRIGHT

STATUTORY DEFINITION

- ✘ **Copyright Act 1957, s. 51**
- ✘ Infringement: exercising rights of the copyright owner
- ✘ Making, distributing, exhibiting and importing infringing copies of the work

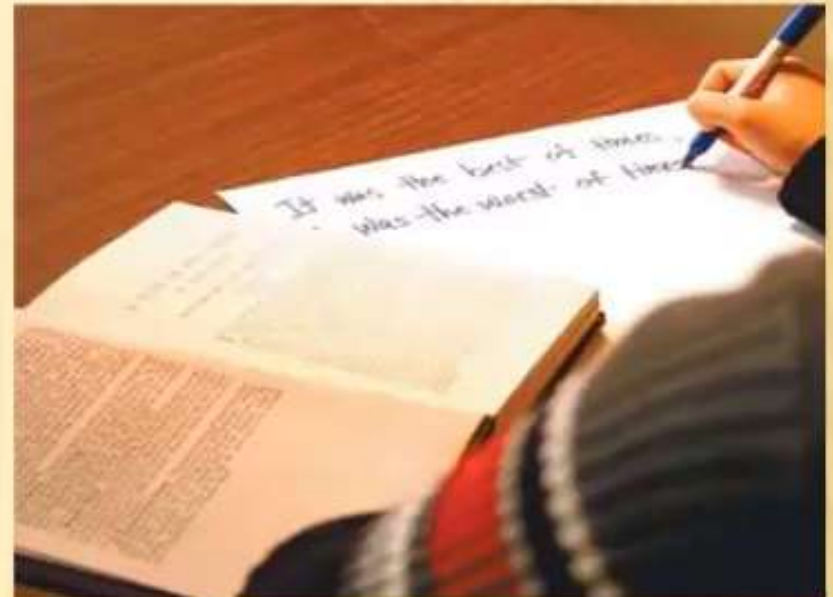
FACTORS DETERMINING INFRINGEMENT

Copying

- Causal Connection
- Subconscious Copying
- Indirect Copying

Substantial Taking

- Unaltered copying
- Extent of defendant's alteration
- Character of Plaintiff's and Defendant's works
- Nature and Extent of Plaintiff's Effort



Copyright Infringement Case-Delhi University & Rameshwari photocopy case 2016

DU PHOTOCOPY CASE

A suit was instituted in Delhi High Court by Oxford University Press, Cambridge University Press, United Kingdom, Cambridge University Press India Pvt. Ltd, Taylor & Francis Group, United Kingdom, Taylor & Francis Books India Pvt. for copyright infringement against Rameshwari Photocopy Shop (defendant no.1) and also against University of Delhi (defendant no. 2) for making course packs consisting of extracts from plaintiffs' publications using photocopy.



Bollywood's 'Raabta' June 9, 2017 - Copyright Infringement case – Claimed to be an Incarnation of telugu movie “ Magadheera”



- Allegation of story script theft of Raabta movie makers from the movie Magadheera under copyright act 1957
- Incarnation of the characters claimed
- Demerits: No specific interface database to search for literary works in copyright database and lack of awareness about IPR.

COPYRIGHT INFRINGEMENT- STORY THEFT-INDRU POI NAALAIVA VS KANNA LADDU THINNA ASIYA MOVIE -JAN7 2013



Actor-Director **K. Bhagyaraj** has filed a complaint with the Tamil Nadu Police demanding to stop the release of **Kanna Laddu Thinna Asaiya** as it infringes his copyrights,

Action against the producer of Kanna Laddu Thinna Asaiya Mr **Ramanarayan** along with Pushpa Kandasamy and Janani kandasamy.

Bhagyaraj would also soon be filing a civil case demanding **2 crore** for the loss that he is to occur by the release of Kanna Laddu Thinna Asaiya

COPYRIGHT INFRINGEMENT - "ISAIGNANI ILAYARAJAVS DIRECTOR SHANKAR"-KARAKATTAKARAN MOVIE SONG VS KAPPAL MOVIE SONG ["ORU VITTU OORU VANTHU"] - DUPLICATION OF SOUND RECORDING

ooru vittu ooru vanthu karakatakaran HD VIDEO SONG

Press  to see full screen



Kappal - Ooru Vittu Ooru Vandhu Remix Video | Vaibhav, Sonam Bajwa



ILAYARAJA VS SPB- COPYRIGHT VIOLATION- CONTROVERSY-PERFORMERS RIGHTS ?



Under the Copyright Act, performers have a performer's right and not a copyright. Section 38 of the Act states:

"(1) Where any performer appears or engages in any performance, he shall have a special right to be known as the "performer's right" in relation to such performance."

The definition of performance in the Act is as follows: *"performance", in relation to performer's right, means any visual or acoustic presentation made live by one or more performers"*

(2) Royalty share between the composer and the Venue / auditorium through IPRS copyright Society

Strengthening Copyright, Enhancing the Reach of the Law

REMEDIES FOR COPYRIGHT INFRINGEMENT

CIVIL REMEDIES



CIVIL REMEDIES (2)

Injunction

- Only effective remedy
- Court has to **weigh the damage** to the plaintiff if the injunction is not granted, as opposed to the damage to the defendant if it is
- Interlocutory injunction is the **preferred method** for preventing infringement, sometimes an *ex parte* injunction



PROS AND CONS OF CIVIL REMEDIES

PROS

- ✘ Judicial determination of rights
- ✘ Likelihood of damages award
- ✘ Less vulnerable to a challenge
- ✘ Commissioner's seizure orders more effective



PROS AND CONS OF CIVIL REMEDIES (2)

CONS

- ✘ Delays – Trial, Appeal Stages
- ✘ Damages not usually awarded
- ✘ No severe punishment for violation of rights



PROS AND CONS OF CRIMINAL REMEDIES

PROS

- ✘ Quick remedy
- ✘ Greater opportunity to quickly counteract violation, with arrest acting as a deterrent

CONS

- ✘ Chances of seizure of goods low
- ✘ Difficulty in coordinating with the police



QUIZ- Q&A

CHOICE A) TRADEMARK B) COPYRIGHT C) EITHER A OR B D) BOTH A AND B

- ✘ Producer has sold the musical rights and requested the T- series musical company to protect their label and then distribute to public?
- ✘ Satellite Rights of a film sold by the production house to a channel to broadcast?
- ✘ Logo of the company name should be protected before marketing?
 - ✘ Film script titles and content need to be protected before broadcasting to public?
 - ✘ Performing the shows in public without paying royalty to the original assignee?
- ✘ Printing press names and logos need to be protected before publishing and marketing, distributing to public?
 - ✘ An author of the book has assigned to a publisher for distribution of books into the Market?

Thank you