COPYRIGHT
VIS-À-VIS
SOCIAL MEDIA
AND
ACADEMIA

SHUBHAM ISTREWAL
Assistant manager
Cell for IPR Promotion and Management (CIPAM)
CREATIVITY AND INNOVATION
Do you think Copyright is Important?

If your answer is No.....

Just try to spend this Lockdown without Music, Books, Movies and other means of Entertainment.
What is ©?

Why is it required?

What can be protected?

How long can be protected?

What can not be protected?

What are the Rights?

Can you be sued?

How to protect?

What is ©?

Why is it required?

What can be protected?

How long can be protected?
COPYRIGHT SUBSISTS IN:

- **Literary including Software** – Books, Essay, Compilations, Computer Programs, Computer Databases

- **Artistic** – Drawing, Painting, Logo, Map, Chart, Photographs, Work of Architecture

- **Dramatic** – Screenplay, Drama

- **Musical** – Musical Notations

- **Sound Recording** – Recording of sounds, musical compositions etc.

- **Cinematograph Films** – Visual Recording which includes sound recording
“Original” means originality of expression of thought is required. It must originate from the author.

“It is the product of the labor, skill and capital of one man which must not be appropriated by another.”

“Work may be original, even if derived from previous material, provided further independent skill, useful labor, capital and judgment have been bestowed on its creation.”
Copyright exists in form of expression, *not* in idea:
“There is nothing in the notion of copyright to prevent a second person from producing an identical result…”

The copyright is in force when the work is “fixed” in a tangible form which includes writing it on paper or saving it in a digital form.
Economic Rights can be transferred or assigned to other persons usually for a sum of money or royalties depending on the proposed usage of the work. However, Moral Rights, can never be transferred. They always remain with the original author.
“Copyright” means the exclusive right to do or authorise the doing of any act in respect of a work or any substantial part thereof.

Copyright grants certain exclusive rights to the creator of work such as:

✓ right to reproduce the work in any material form,
✓ issue copies of the work,
✓ adaptation,
✓ translation,
✓ perform/communicate it to the public.
MORAL RIGHTS

Right of Paternity

➢ The right to claim to be the author of the work and to have that authorship recognised.
➢ The right to have the author’s name mentioned, for instance when the work is reproduced.

Right of Integrity

➢ The right to object to the work being distorted or used in contexts that are prejudicial to the honour and reputation of the author.
➢ The author can oppose the distortion of the work if its cultural or artistic integrity is adversely affected.
Copyright protection is not indefinite and is granted for a limited period of time to the Author.

<table>
<thead>
<tr>
<th></th>
<th>Original and Published</th>
<th>Published</th>
</tr>
</thead>
<tbody>
<tr>
<td>Literary, Dramatic,</td>
<td>Life of Author + 60</td>
<td>Cinematograph Films and Sound Recordings</td>
</tr>
<tr>
<td>Musical or Artistic Work</td>
<td>Years</td>
<td>60 Years</td>
</tr>
</tbody>
</table>
Copyright infringement occurs when:

- Any person, without a license from the owner of copyright or Registrar of Copyrights, does anything, the exclusive right to do which is conferred upon the owner of copyright;

- Permits for profit, any place to be used for communication of the work to the public where such communication constitutes infringement, unless he was unaware and had no reasonable ground to believe such communication to the public would be an infringement of copyright;
Fair Dealing is a question of fact and impression. A court would consider the following factors:

- The quantum and value of the matter taken in relation to the comments or criticism;
- The purpose for which it is taken;
- The likelihood of competition between the two works;
- The motive for reproduction is relevant in considering whether it amounts to fair dealing.
CERTAIN SPECIFIC EXCEPTIONS TO INFRINGEMENT

- Fair dealing with a literary, dramatic, musical or artistic work for the following purposes does not constitute infringement:
  1. Research or private or personal study;
  2. Criticism or review, whether of that work or of any other work;
  3. Reporting current events and current affairs, including the reporting of a lecture delivered in public;
CERTAIN SPECIFIC EXCEPTIONS TO INFRINGEMENT

- the reproduction of any work—
  - i. by a teacher or a pupil in the course of instruction; or
  - ii. as part of the question to be answered in an examination; or
  - iii. in answers to such questions;

- the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device;
COPYRIGHT ISSUES IN SOCIAL MEDIA

➢ Protecting the content created by Users. (Liability of social media platform)
➢ Respecting the content of others. (Duty of the Users)
COPYRIGHT ISSUES IN SOCIAL MEDIA

➢ Protecting the content created by Users. (Liability of social media platform)
  ➢ Content should be copyrightable i.e. it should be:
    ➢ Original
    ➢ Not in public domain
    ➢ Not eligible for Fair Use exception
Copyright and Posting Content on Facebook

How can I make sure the content I post to Facebook doesn’t violate copyright law?

The best way to help make sure that what you post to Facebook doesn’t violate copyright law is to only post content that you’ve created yourself. It’s possible to infringe someone else’s copyright when you post their content on Facebook, even if you:

- Bought or downloaded the content (Example: a song from iTunes).
- Recorded the content onto your own recording device (Examples: a song playing in the background during a party, concert, sporting event, wedding, etc.).
- Gave credit to the copyright owner.
- Included a disclaimer that you didn’t intend to infringe copyright.
- Didn’t intend to profit from it.
- Modified the work or added your own original material to it.
- Found the content available on the internet.
- Saw that others posted the same content as well.
- Said that the use is a fair use.

Source: Facebook
Ideas and the facts that are learned while conducting research or writing a paper are not copyrightable.

However, the research or papers themselves (the expression of that information) can be.

Every research paper, or draft thereof, is copyright protected the moment it is fixed in a tangible form.

Copyright can restrict access to research. Since it’s an infringement to create derivative works based upon a copyrighted work without permission; long quotes or copying a significant portion of a paper, even with attribution, could be infringing.
When completing a thesis or research article, candidates must ensure that they have permission to use any third party material within their work.

A person can use an insubstantial portion which can be a few lines or sentences from another source, such as a book or a journal, which is acknowledged;

It is suggested to check the copyright status or look for ‘out of copyright’ and ‘copyright free’ works.

Whether something is ‘insubstantial’ depends on quality and quantity and the Copyright Act does not define exactly what qualifies as an insubstantial portion. Sometimes, even a short portion, if it gives away the plot or is the heart of the work, it will be considered substantial and will require permission.
EXAMPLES OF COPYRIGHT WORKS IN ACADEMIA AND RESEARCH

- Articles in academic journals,
- Contributions to anthologies and collections,
- Monographs and newspaper articles,
- Notebooks and work journals
- Design mock-ups
- Presentations and scientific/conference posters,
- Photos and videos
- Examination papers; dissertations or thesis.
COPYRIGHT AND REMOTE TEACHING DURING COVID-19 PANDEMIC

Generally, use of copyright protected content for educational purposes qualifies as an exception to copyright infringement but it shouldn't be considered as a blanket exception for all such activities.

Don't Worry: Most of the copyright issues remain the same as they were applicable for in-person teaching.

 Anything that was allowed to do in class, is often allowed to do online with certain conditions such as:
  a) Access to material is limited to enrolled students only;
  b) Using Technology Protection Measures such as password protection system while disseminating the protected material to students.
  c) Limiting access to general public minimizes the risk of copyright infringement.

Additional Advice:

- Efforts shall be made to use copyright free audio-video content, e-books, reference readings etc.
- Though linking is the easiest and safest way but linking to an infringing content may be risky.
- Consider to document an University Guidelines/ Policy in this regard.
MEANING OF PIRACY

❖ Piracy refers to the unauthorized duplication of copyrighted content that is then sold at substantially lower prices in the 'grey' market.

❖ Digital piracy is a form of online piracy and includes the unauthorized online distribution of electronic copies of copyrighted material such as software, movies, and music.

❖ All piracy is copyright infringement but not all copyright infringement is piracy. Piracy means making an unauthorized exact copy – not a simple imitation of copyright protected content.

PIRACY IS THEFT
#SayNoToPiracy

- Copyright protected content especially films, music or web series shall only be accessed through legal means such as cinema, authorized streaming platforms/websites etc..
- Culture of piracy amongst the youth shall be demoted.
- Piracy causes huge loss to the creative industry as well as the artists.
- It’s a trend – and it’s a problem, therefore, serious issues such as Data Mining by such websites and identity theft, malwares etc. shall be informed.
“It’s time for Indians to take up their rightful place in the global arena of creativity and innovation; not only as creators and innovators, but also as owners of IP”

“Creative India; Innovative India; रचनात्मक भारत; अभिनव भारत”

Thank You