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# An Analytical Study of Indian Copy Right Act, 1957 and Copyright Bill 2012

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**ABSTRACT:** This research paper deals with an analytical study of Indian Copyright Act and its various amendments till 2012. This article gives a clear idea about the history of Indian Copyright Act and further developments. The impact of the Copyright (Amendment) Act, 2012 on the Copyright Act, 1957 is extremely broad. Significantly, this amendment also envisages that private and personal copying will be treated as 'fair dealing'. This, interestingly, allows users to break the Digital Rights Management (DRM) on their legally purchased content, as long as they are not violating the copyright terms.

**KEYWORDS:** Analytical Study, Amendment, Fair Dealing, Digital Rights Management (DRM), Literary, Artistic, Dramatic, Musical and Cinematographic Work, TRIPS, Copyright Infringement.

### I. INTRODUCTION

Copyright is a bundle of rights vested with the original creator or author of a literary, artistic, dramatic, musical and cinematographic work. Copyright work also includes sound recordings and computer software's & programmes. These bundle of rights are exclusive rights of the Author to right to sell or reproduce the work in which copyright subsists and commercially exploit the same by other means viz. communication to the public, adaptation and translation of the work, assignment or license. The advancement of print, audio visual and digital media necessitated the need for a statute to define the rights and remedies related to copyright. At present the Copyright of an author is protected by the Copyright Act, 1957 which was last amended in 1999. The existing Act is proposed to be amended by Copyright Amendment Bill 2010, which is in the pipeline and may be enacted soon.

The History of Copyright dates back to 1914, when the Indian Copyright Act 1914 was enacted, which was primarily based on the U.K. Copyright Act. Since the UK laws did not fit into the changed constitutional status of India, the copyright Bill 1957 was introduced in Indian Parliament. The Copyright Act, 1957 received assent of the President of India on 4th June 1957 and came into effect from 21st January 1958. The Act has been amended five times since then, i.e., in 1983, 1984, 1992, 1994 and 1999, of which the amendment of 1994 were the most substantial.

The Indian Copyright Act today is in conformity with most international conventions and treaties including Berne Convention of 1886 (as modified at Paris in 1971), the Universal Copyright Convention of 1951 and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement of 1995. The Copyright Act, 1957 is also in conformity with the provisions of the Rome Convention of 1961 (Though India is not a member of the Rome Convention).

### II. OBJECTIVE OF THE STUDY

- To study the duration of copyright act.
- To study the rights of authors covered under copyright act.
- To identify the area of amendment in copyright bill (2012).
- To study the description of covered under copyright act.
- To study the provision of Digital locks in Indian copyright bill (2012)

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## III. LITERATURE REVIEW

No discussion is completed unless it is related to the past, present and future. Today's deliberation on application of information technology in libraries in India should examine what has been happening around the world and what is envisaged to be attained. In this context it is necessary to see what extent information technology has affected libraries. What is happening now and what the targets of academic library.

This chapter present an overview is expected to know the previous work done in the field and it is also expected than the work already done by various authors should not be repeated by researcher keeping in view the author conducted literature search scanning the available resources.

Areas of review literature in present period there are large area available researcher. In this project the researcher use the encyclopedias related to the library and information science subject and also text book of the research methodology tools and the techniques other useful books related the research problem's. Journal articles, Statistical Sources as well as the Internet Based Sources such as LISA, WIKIPEDIA, Ans.com, definition.com etc. and Reference Books related to the research problem.

## IV. SCOPE AND LIMITATION OF THE STUDY

The scope of the research study related to the Indian Copyright acts and its special features. All the chapters of the Indian Copyright act 1957 and latest Bill 2012 will be studied. The study is limited to identify the drawbacks of Indian Copyright Acts in today's context.

## V. RESEARCH METHODOLOGY

In this research study descriptive analysis methods used, for this data are collected from the government websites, databases and the articles published from the national and international journals.

## VI. RESEARCH FOCUS

The research paper 'An analytical study of Indian copy right act,(1957)' and copyright bill,(2012) primarily focus the history of copyright in India in 1914 according to British copyright act in 1911 .Also discuss about the amendment bill chronologically and analyzed the various changes in different amendment. The study of this paper focus the subject matter which is conserved by the copyright law, like artistic works, music, film, photograph, computer file, sound recording, etc. Research topics also prescribed that new amendment bill 2012.

## VII. STATEMENT OF THE PROBLEM

General lack of awareness about the importance of copyright is a serious problem. K.S. Padmanabhan of East West Books rightly believes that enforcement will be more successful if awareness about the problem is brought about by wide publicity. "Several academics are unaware of the implications of copyright infringement. At a recent book exhibition organized at the Madras University, several faculty members were asking permission to take books out for photocopying. We had a hard time in trying to explain to them that what they intend doing is an infringement of the copyright law. If this is the case with faculty members, you can well imagine the problem we face with students who freely photocopy textbooks. We also find several unscrupulous tradesmen engaged in freely selling photo copies of textbooks".

## VIII. DEFINITION OF IPR

*According to Free Encyclopedia* "Intellectual property (IP) is a term referring to creations of the intellect for which a monopoly is assigned to designated owners by law. Some common types of intellectual property rights (IPR) are copyright, patents, and industrial design rights; and the rights that protect trademarks, trade dress, and in some

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jurisdictions trade secrets: all these cover music, literature, and other artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Intellectual property rights are themselves a form of property, called intangible property”.

Intellectual property rights are like any other property right. They allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation. These rights are outlined in Article 27 of the Universal Declaration of Human Rights, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions.

The importance of intellectual property was first recognized in the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886). Both treaties are administered by the World Intellectual Property Organization (WIPO).

## IX. TYPES OF INTELLECTUAL PROPERTY RIGHT (IPR)

Common types of intellectual property rights are as follows:

- Patents
- Copyright
- Industrial design rights
- Trademarks
- Trade dress
- Trade secrets



Figure 1: Types of Intellectual Property Right (IPR)

There are also more specialized varieties of exclusive rights, such as circuit design rights (called mask work rights in USA law, protected under the Integrated Circuit Topography Act in Canadian law, and in European Union law by Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products), plant breeders' rights, plant variety rights, industrial design rights, supplementary protection certificates for pharmaceutical products and database rights (in European law).

## X. DEFINITIONS OF COPYRIGHT

*According to Free Encyclopedia* “Copyright is a legal concept, enacted by most governments, giving the creator of an original work those exclusive rights to it, usually for a limited time. Generally, it is “the right to copy”, but also gives the copyright holder the right to be credited for the work, to determine who may adapt the work to other forms, which may perform the work, which may financially benefit from it, and other related rights. It is a form of intellectual property (like the patent, the trademark, and the trade secret) applicable to any expressible form of an idea or information that is substantive and discrete”.

*According to Margaret Rouse* “Copyright is the ownership of an intellectual property within the limits prescribed by a particular nation's or international law”.

*According to Commonwealth Copyright Act 1968* “A simple definition of copyright is that it is a bunch of rights in

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certain creative works such as text, artistic works, music, computer programs, sound recordings and films. The rights are granted exclusively to the copyright owner to reproduce the material, and for some material, the right to perform or show the work to the public. Copyright owners can prevent others from reproducing or communicating their work without their permission or may sell these rights to someone else”.

## XI. ANALYSIS OF INDIAN COPYRIGHT ACT 1957

This chapter deals with the analysis of Indian Copyright Act 1957. In this chapter qualitative analysis of all chapters are done. There are various sub-chapters as follows:

### I. INDIAN COPYRIGHT ACT 1957: PRELIMINARY

1. Short title, extent and Commencement.
2. Interpretation.
  - a) “Adaptation”
  - b) “Architectural work of art”
  - c) “Artistic work”
  - d) “Author”
  - e) “Calendar year”
  - f) “Cinematograph film”
  - g) “Delivery”
  - h) “Dramatic work”
  - i) “Engravings”
  - j) “Exclusive license”
  - k) “Government work”
  - l) “Indian work”
  - m) “Infringing copy”
  - n) “Lecture”
  - o) “Literary work”
  - p) “Musical work”
  - q) “Performance”
  - r) “Performing rights society”
  - s) “Photograph”
  - t) “Plate”
  - u) “Prescribed”
  - v) “Radio-diffusion”
  - w) “Record”
  - x) “Recording”
  - y) “Work of joint authorship”
  - ya) “Work of sculpture”
3. Certain disputes to be decided by Copyright Board.

### II. COPYRIGHT OFFICE & COPYRIGHT BOARD

4. Nationality of author where the making of unpublished work is extended over considerable period.
  5. Domicile of corporations.
- #### COPYRIGHT OFFICE & COPYRIGHT BOARD
6. Copyright Office.
  7. Registrar and Deputy Registrars of Copyrights.
  8. Copyright Board.
  9. Powers and procedure of Copyright Board.
  10. Works in which copyright subsists.

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11. Meaning of copyright.
12. Special provision regarding Copyright in designs registered or Capable of being registered under the Indian Patents and Designs Act, 1911.
13. No copyright except as provided in this Act.

## III. OWNERSHIP OF COPYRIGHT AND THE RIGHTS OF THE OWNER

14. First owner of copyright.
15. Assignment of copyright.
16. Mode of assignment.
17. Transmission of copyright in manuscript by testamentary disposition
18. Right of author to relinquish copyright.

## IV. TERM OF COPYRIGHT

19. Term of copyright in published literary, dramatic, musical and artistic works.
20. Term of copyright in anonymous and pseudonymous works.
21. Term of copyright in posthumous work.
22. Term of copyright in photographs.
23. Term of copyright in cinematograph films.
24. Term of copyright in records.
25. Term of copyright Government works.
26. Term of copyright in works of international organization.

## V. LICENCES

27. Licenses by owners of copyright.
28. Compulsory license in works withheld from public.
29. License to produce and publish translations.

## VI. PERFORMING RIGHTS SOCIETIES

30. Performing rights society to file statements of fees, charges and royalties.
31. Objections relating to published statements.
32. Determination of objections.
33. Existing rights not affected.

## VII. RIGHTS OF BROADCASTING AUTHORITIES

34. Broadcast reproduction right.
35. Other Provisions of this Act to supply to broadcast reproduction rights.
36. Other rights not affected.

## VIII. INTERNATIONAL COPYRIGHT

37. Power to extend copyright to foreign works.
38. Provisions as to works of certain international organizations.
39. Power to restrict rights in works of foreign authors first published in India.
40. Orders under this Chapter to be laid before Parliament.

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## IX. REGISTRATION OF COPYRIGHT

41. Register of Copyrights.
42. Entries in Register of Copyrights.
43. Indexes.
44. Form and inspection of register.
45. Register of Copyrights to be prima facie evidence of particulars entered therein.
46. Correction of entries in the Register of Copyrights.
47. Rectification of Register by Copyright Board.

## X. INFRINGEMENT OF COPYRIGHT

48. When copyright infringed.
49. Certain acts not to infringement of.
50. Importation of infringing copies.

## XI. CIVIL REMEDIES

51. Definition.
52. Civil remedies for infringement of copyright.
53. Protection of separate rights.
54. Authors special rights.
55. Rights of owner against persons possessing or dealing with infringing copies.
56. Restriction on remedies in the case of works of architecture.
57. Remedy in the case of groundless threat of legal proceedings.
58. Owner of copyright to be party to the proceeding.
59. Jurisdiction of court over matters arising under this Chapter.

## XII. OFFENCES

60. Offence of infringement of copyright or other rights conferred by this Act.
61. Power of police to seize infringing copies.
62. Disposal of infringing copies or plates for purpose of making infringing copies.
63. Penalty for making false entries in register, etc., for production or tendering false entries.
64. Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.
65. Offences by companies.
66. Cognizance of offences.

## XIII. APPEALS

67. Appeals against certain orders of magistrate.
68. Appeals against orders of Registrar of Copyrights and Copyright Board.
69. Procedure for appeals.

## XIV. MISCELLANEOUS

70. Registrar of Copyrights and Copyright Board to possess certain powers of civil courts.
71. Order for payment of money passed by Registrar of Copyrights and Copyright Board not to be executable as a decree.
72. Protection of action taken in good faith.
73. Certain persons to be public servants.
74. Power to make rules.

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75. Repeals, savings and transitional provisions.

### XII. ANALYSIS OF AMENDMENTS OF INDIAN COPYRIGHT ACT

#### COPYRIGHT AMENDMENT 1983

In August 1983, the parliament of India acted the copyright amendment act, 1983 with the pacific purpose of in comporting the provisions of compulsory licenses for translation and reproduction of foreign works required for instructional purposes

The bill provides, among other thing, for the following amendment to the act to give effect to the above proposal namely.

- i. To provide for compulsory licensing for the translation of a foreign work after.
- ii. To provide for the compulsory licensing of the reproduction of any edition of foreign literary scientific, artistic work.
- iii. It is proposed to provide that in the case of unpublished work where the author is either dead or unknown or the owner of the copyright cannot be traced.
- iv. It is proposed to provide for the manner of assignments of copyright from authors to publishers and to empower the copyright board to decide disputes arising out of such assignment which men extend to permitting the author to withdraw from the assignment.
- v. It is proposed to prescribe the term of copyright in works owned by bodies corporate as fifty years from the beginning of the calendar year next following in the year in which the works is first publish as in the case of government works.
- vi. Broadcasting authorities are also being permitted to translate foreign works for broadcasting for the purpose of systematic instructional activities
- vii. To provide for copyright in lectures , address , etc. ,delivered in public and for the publication of the entries made in copyright register

#### 1984 AMENDMENT

As the piracy has become a global problem due to the rapid advances in technology and has assured alarming proportions all over the world, all the countries started to make a efforts to meet the challenges by taking stringent legislative and enforcement measures

In the contemporary world, mainly, there are three types piracy, namely (i) piracy of the printed word; (ii) piracy of sound recordings, and (iii) piracy of cinematography films.

The bill of the proposed 1984 amendment contained the following objects:

- i. To increase the punishment provide for the infringement of the copyright, namely, imprisonment of three years, with a minimum punishment of imprisonment of six month, and fine up to Rs 2 lakhs, with a minimum of Rs 50,000
- ii. To provide for enhanced punishment in case second and subsequent conviction.
- iii. To provide for the declaration of the of offence of infringement of copyright as an economic offence so that the period of limitation provided in the code of criminal procedural, 1973,for offences will not applicable of these offence .
- iv. To require the producers of record and video films to display certain information in the record, video films and containers thereof.

#### 1994 AMENDMENT

In July 1992, the copyright bill was introduced in the parliament. A join committee of both houses of parliament, consisting of 45 members, examined the bill tacking in to consideration the presentations received from the various originations and institutions and individuals, the memorandum received from the journal public and organizations conserved with copyright. The commit recommended several changes in the bill in its reports submitted to the

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parliament in August, 1993. The bill was ultimately passed by the parliament in May, 1994. Silent Features of the 1994 Amendment

The amendment act provided for

- i. performers' rights protection covering any visual or artists presentation made live by one or more performers ;
- ii. copyright societies, seeking to promote collective administration of the right of the authors, composers and other creative artists;
- iii. Assignment of copyright by an author or artists to protect the interests of both assigner and Assignee; and
- iv. Computer program, cinematograph films and sound recordings protection.

### 1999 AMENDMENT

The copyright act was again amended in 1999 which amended definition of "literary work", meaning of copyright in respect of a computer program, increased the term of copyright performers from 25 to 50 years, inserted curtailed new provision pertaining to power of the central government to apply the provisions relating to broad casting organizations and performer to broadcasting organizations and performers in certain other countries, and power to restrict rights of foreign broadcasting organizations and performers.

### THE COPYRIGHT (AMENDMENT) ACT' 2012

Changes brought about by the Copyright (Amendment) Act, 2012 (amendment) will have a revolutionary impact on music, film and photography It is seen as a major victory for songwriters, composers, performing artistes and musicians working in the Indian film industry since revised amendments to the Copyright Act will provide them better control of their works, art and compositions. Considering India's film industry is dominated by songs, the amendments, which aim at updating existing laws and bringing them on par with International and WIPO (World Intellectual Property Organization) norms, are likely to have a larger impact on how royalty rates are negotiated and shared in the future.

The amendments clearly state that film performers (mentioned in a film's credits) as well as the authors of certain underlying works used in cinematograph films and sound recordings have a (largely non-assignable) right to continuing royalties for the use of their performances or works in certain circumstances, regardless of the fact that they may have assigned the copyright in those works or the fact that they may not be entitled to the enjoyment of a performer's right. ("Cinematograph films" in terms of the Copyright Act include both feature films and television serials. In the interest of convenience, the term "films" has been used here instead of "cinematograph films".)

The impact of the Copyright (Amendment) Act, 2012 on the Copyright Act, 1957 is extremely broad. Significantly, this amendment also envisages that private and personal copying will be treated as 'fair dealing'. This, interestingly, allows users to break the Digital Rights Management (DRM) on their legally purchased content, as long as they are not violating the copyright terms. This will also allow them to progress and use the content on various devices. Amazingly, in a rather paradoxical situation, this provision will also allow developers to make and sell tools to break DRM protection. These are the other major changes:

- a. Independent authorship rights for lyricists, composers, and singers in films, which presently belong only to the film's producers and the music company.
- b. Addresses concerns of music companies for not being able to derive royalties from "version recordings" of their original songs.
- c. The producer and principal director will be treated as joint first-owners of the copyright, which at present, only belonged to the producer.
- d. Changes in the term of copyright for photographers from 60 years to "life plus 60 years".
- e. Permits physically challenged persons to access the copyright material in specialized formats.
- f. Proposes to make the Copyright Act conform to WIPO's Internet treaties of anti-circumvention, giving equal rights to both online and offline work.
- g. Statutory or compulsory licensing for broadcasting companies to be allowed to access written, audio, and video works.

It enacted by Parliament in the Sixty-third Year of the Republic of India as follows-

1. (1) This Act may be called the Copyright (Amendment) Act, 2012.



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(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Copyright Act, 1957 (hereinafter referred to as the principal Act)-

(i) in clause (f), the portion beginning with the words “on any medium” and

Bill No. XXIV-C of 2010

AS PASSED BY THE RAJYA SABHA ON 17TH MAY, 2012

### XIII. SUMMARY OF THE FINDINGS

The findings are drawn on the basis of the nature and the objectives of the research study. The findings of the research study are as follows.

- Chapter I:

- It was found that, Chapter I contains the usual preliminary sections including the definitions. Some new rights also came to be recognized, with the result that some new terms have been incorporated and defined (7), (2).

- Chapter II:

- It was found that, Chapter II establishes a copyright office under the control of the Registrar of Copyrights who, in turn, is required to act under the supervision and directions of the Central Government. It may be mentioned that the registration of a copyright is not compulsory or a pre-condition in India for acquiring a copyright or for enforcing the rights there under.

- It was found that, a register kept at the Copyright Office, in which the names of titles or works and the names and addresses of authors, publishers, and owners of copyright are entered.

- It was found that, the Copyright Board can examine the reasonableness of the charges or royalties claimed by a copyright society and to consider applications for the grant of licenses for public performances of works etc.

- Chapters IV to VI:

- It was found that, in the Chapter III to VI of the Act are really the heart and they deal with the meaning of a copyright and the works in which a copyright subsists, the ownership of a copyright and the rights of the owner (including on assignment of the copyright), the terms of the copyright and licences, etc. Section 13 of the Chapter III clearly states that copyright will subsist throughout India in literary, dramatic, musical, and artistic works.

- Copyright also subsists in cinematograph films and sound recordings. The work must, however, be first published in India or the author of the work must be a citizen of India. What exactly is the meaning and scope of a copyright in respect of the above classes of works has been explained in Section 14 of the Chapter III. This includes, inter alia, reproduction, performance, communication, translation, or adaptation of a work. Rental rights are also recognized as a part of the copyright in a work such as a cinematograph film or a computer programme.

- Chapter IV:

- It was found that, in the Chapter IV of the Act concerns itself with the ownership of a copyright and the rights of the owner. Subject to certain exceptions, the author of a work is the first owner of the copyright. The exceptions include proprietary rights in a magazine in which an article is first published or the commissioning of an artistic work or a work produced under a contract of service.

- It was found that, in case of films, the copyright vests with the film producer. Similarly in cases of musical works recorded on phonograph record, the copyright vests with the manufacturer of the original master record from which other records are made.

- It was found that, the owner of a copyright can assign his rights there under on terms and conditions set out in a written document

- It was found that, the term of a copyright is dealt with in Chapter V of the Act. Initially, the term was fixed at 50 years but by an amendment to the Act with effect from 28th December, 1991, the period was increased to 60 years. In the case of a published literary, dramatic, musical and artistic work (other than a photograph) the period is reckoned from the beginning of the year after the death of the author.

- It was found that, in the case of a photograph, cinematograph film or a sound recording the period is reckoned from the year following the publication of the work.

- Chapter VI:

- It was found that, in the Chapter VI of the Copyright Act deals with licensing of the copyright.

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- It was also found that, the owner of a copyright is entitled to grant any interest in the copyright by a license given by him in writing.
- Chapter VII:
  - It was found that, the Chapter VII concerns itself with Copyright Societies which is a new concept so far as the Copyright Act is concerned in as much as prior to the amendment of the Act in 1994.
- Chapter VIII:
  - It was found that, the Chapter VIII of the Act concerns itself with the rights of broadcasting organizations and of performers.
  - It was found that, this right subsists for 25 years beginning from the calendar year next following the year of broadcast. An amendment made in 1999 this right now subsists for 50 years from the beginning of the calendar year next following the year of performance.
  - It was also found that, both these rights are not absolute in as much as these rights are deemed not to be infringed if a recording of such a broadcast or performance is made for private use or for bona fide purposes such as research, teaching, or as news of current events etc.
- Chapter IX:
  - It was found that, the Chapter IX of the Act deals with a copyright obtained in a foreign country.
  - It was also found that, the applicability of the Copyright Act to foreign works is reciprocal.
- Chapters X and XI:
  - It was found that, the Chapter X and XI of the Act deal with the registration and infringement of copyright while Chapters XII to XIV deal with civil remedies and criminal offences under the Act.
  - It was found that, in terms of Section 51 of the chapter XI, a copyright is said to be infringed when a person violates the exclusive right of the owner of a copyright without a license having been granted to him to exploit the work commercially by way of sale or hire or distribution or exhibition.
- Section 52 of the Act:
  - It was also found that in Section 52 of the Act provides that certain acts shall not constitute an infringement of copyright. While a large number of such exceptions have been mentioned, it may be useful to refer only to a few of them such as fair dealing in a literary, dramatic, musical or artistic work for the purposes of private use, criticism, or review thereof; in respect of a computer programme, making copies there of or adaptation of the computer programme will not be an infringement of the copyright if the purpose is to utilize the programme for which it was supplied or to make back-up copies thereof for protection against loss or destruction or damage.
- Violation of Copyright Laws in India:
  - It was also found that, unauthorized hire and sale of copies of video films, cassette recordings for public performances and books is regarded as violation of Copyright Laws in India. Against such violations definite measures have been provided under the Indian Copyright Act as amended in 1984 and 1994.
- Civil Remedies of the Act:
  - It was found that, the civil remedies postulated by the Act are those of an injunction, damages, and rendition of accounts, etc.
- Punishment for a Criminal Violation:
  - It was found that the punishment for a criminal violation was, initially, punishable with imprisonment up to a period of one year or with fine or both but after piracy became a major problem, the period of imprisonment has been made a minimum of six months and it may extend up to three years.
  - It was found that, a minimum fine of Rs.50, 000/- can be imposed which may extend up to Rs.2, 00,000/-

### XV. CONCLUSION

The provisions of the abovementioned two enactments show that the Copyright protection in India is strong and effective enough to take care of the Copyright of the concerned person. The protection extends not only to the Copyright as understood in the traditional sense but also in its modern aspect. Thus, on-line copyright issues are also adequately protected, though not in clear and express term. To meet the ever- increasing challenges, as posed by the

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changed circumstances and latest technology, the existing law can be so interpreted that all facets of copyright are adequately covered.

It was concluded that, by applying the purposive interpretation technique, which requires the existing law to be interpreted in such a manner as justice is done in the fact and circumstances of the case. Alternatively, existing laws should be amended as per the requirements of the situation. The existing law can also be supplemented with newer ones, specifically touching and dealing with the contemporary issues and problems.

The Information Technology Act, 2000 requires a new outlook and orientation, which can be effectively used to meet the challenges posed by the Intellectual Property Rights regime in this age of information technology. Till the country has such a sound and strong legal base for the protection of Intellectual Property Rights, the judiciary should play an active role in the protection of these rights, including the copyright.

The situation is, however, not as alarming as it is perceived and the existing legal system can effectively take care of any problems associated with copyright infringement. Depending upon the analysis of the copyright act following recommendations is drawn, which are the important changes, which have been made by the central government of India.

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