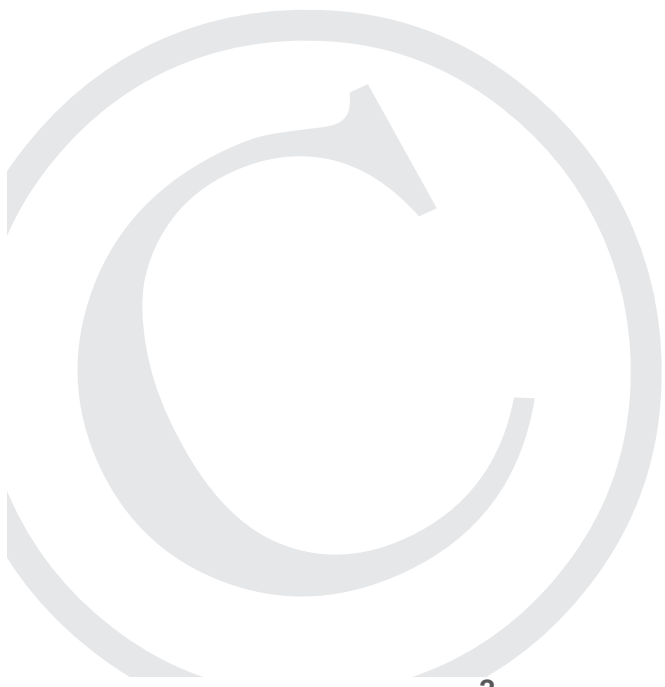




# WHAT IS COPYRIGHT?

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# introduction

## INTRODUCTION

The publishing industry makes an important social and economic contribution to India. It promotes education and research, increases levels of literacy and people reading for pleasure, encourages present and future writers while curating those of the past, and fosters innovation in new forms of reading and information delivery.

The copyright framework is a vital component of this knowledge system. Copyright ensures that the best content is presented and disseminated in the right manner to the widest possible audience, that authors are recognised and rewarded for their work, and that publishers who invest in the authors are incentivised and given the means to support new talent.

This booklet provides a brief introduction to the subject of copyright and related issues including fair dealing and infringement. We hope that all stakeholders in the knowledge community – including students, researchers, librarians, teachers, parents, authors and publishers – will find that it answers and clarifies key issues about using copyrighted materials for their work or study. We all need to work together to ensure that copyright laws are understood and respected in India.

Read and share this primer on copyright!



protected

## **WHAT IS COPYRIGHT?**

Copyright refers to the exclusive rights of creators or authors over their work. It comes into effect automatically and without any necessary registration process when someone creates an original work using their judgement and skill.

A work needs to be committed to a fixed form to qualify for copyright protection. Copyright safeguards the creator's original expression of an idea and not the idea itself from which the expression arises.

## **WHAT DOES COPYRIGHT PROTECT?**

The following range of works is protected by copyright:

- Original literary compositions (including computer programs)
- Original dramatic compositions
- Musical compositions
- Artistic compositions
- Sound recordings
- Cinematograph films

## **WHAT IS NOT PROTECTED BY COPYRIGHT?**

Names, titles, facts, slogans, short combinations of words and phrases are generally not qualified for copyright protection. Concepts, news and ideas are also not protected by copyright.

Average price of a book in India: less than  
Rs 300. One of the lowest in the world!

## **HOW LONG DOES COPYRIGHT LAST?**

The copyright of a literary, musical, artistic or dramatic work remains valid through the lifetime of the author and thereon for 60 years following the year of his/her death.

## **WHO OWNS COPYRIGHT?**

The author of a work is ordinarily the first owner of the copyright therein. Copyright, however, may be licensed or assigned to a publisher who would then be designated as the rights holder.

In some exceptions, when the work is created in the course of employment under a contract of service, the copyright belongs to the employer.

## **What is joint ownership of copyright?**

In instances where more than one individual are involved in the creation of a work, and it is difficult to distinguish the contribution of each, the copyright is held jointly by the authors. In case a single contributor is inclined to publish or license the work, he/she would require the consent of the authors.

Over 21,000 bookshops in the country  
rely on genuine published content



## WHAT RIGHTS DOES A COPYRIGHT OWNER HAVE?

Copyright ownership provides two kinds of rights to the owner:

**Economic rights:** These rights permit the copyright owner to derive proceeds from their work, through its distribution, reproduction, publication, translation, adaptation, public performance or communication to the public.

**Moral rights:** These laws protect the personal link between the author and their work. It includes the right of the author to be appropriately credited, the right against false attribution and the right to object to any derogatory action in relation to the work which could negatively impact the author's image.

India exports books  
to more than 150 countries

## WHY DO WE NEED COPYRIGHT LAWS?

The function of copyright is to create an atmosphere which encourages the creation of, and investment in original content. Copyright provides legal rights of ownership to the author and gives them control over the use of the work.

## WHAT IS COPYRIGHT INFRINGEMENT?

Copyright infringement takes place when any person, without a licence granted by the owner of copyright or in contravention of any licence so granted, uses a copyrighted work.

## *What is copyright?*

In other words, when someone copies/reproduces/distributes/performs/adapts/translates a work or a *substantial* portion of the work without authorisation, he/she infringes copyright.

*Substantial* in this context doesn't pertain only to the quantity of the work copied, but also to the qualitative aspects of the work.

### **WHAT IS FAIR DEALING?**


To maintain a balance between the interests of the copyright owner and of the community at large, copying up to a limited extent is made permissible by law (Copyright Act, 1957) under certain special circumstances.

The Copyright Act provides exceptions that allow for limited use/copying of copyright-protected works without the permission of the copyright owner for specific purposes such as non-commercial use in education.

### **What is recognised as fair dealing in education?**

The use of copyrighted works is considered fair and allowed on a limited basis for the following purposes:

- private or personal use, including research
- classroom instruction, when reproduction is done by a teacher or pupil
- criticism and reviews
- reporting



Why plagiarize,  
when you  
can  
individualize?

## **UNDER WHAT CONDITIONS IS COPYING ALLOWED?**

Copying is allowed under the following conditions:

- Upon receiving a written licence signed by the copyright owner or a duly authorised agent
- Upon receiving a statutory licence granted by the Copyright Board/ Registrar of Copyrights
- Upon receiving a licence issued or granted by a registered copyright society
- Where the copying is exempt under the fair dealing provisions of the Copyright Act

## **What is licensing?**

Licensing is a system through which a copyright owner can authorise another party to use their work, generally for a fixed period of time and for a specific purpose, while still retaining ownership over the work. Licensing can also be done via a collective platform of administration in the form of copyright societies.

**Publishing industry adds 150,000 direct and 300,000 indirect jobs to the Indian economy**

## **WHAT IS A COPYRIGHT SOCIETY?**

A copyright society is a registered collective society composed of a group of copyright owners. The aim of this society is to track the usage of the works of its members and to collect royalties from the users. A copyright society is primarily concerned with the administration of licences and the collection and distribution of licence payments.

There are over 9,000 publishers in India, mostly small and medium enterprises

### **Why do we need copyright societies?**

Creators and publishers should receive a fair reward when their work is re-used.

Copyright societies achieve this objective by issuing licences to organisations that want to copy and re-use published work. The licence fees collected are then passed on to the copyright owners, i.e. the authors, publishers and visual artists that they represent.

Copying can be photocopying, scanning and re-use of content from magazines, books, journals, electronic and online publications, as well as press cuttings or documents supplied by a licensed third party.

Copyright societies provide a cost effective way to manage the risk associated with using and reproducing copyrighted materials.

### **WHAT IS THE INDIAN REPROGRAPHIC RIGHTS ORGANISATION (IRRO)?**

The Indian Reprographic Rights Organisation (IRRO) is the sole copyright society in India concerned with published literary works. It was founded in 2000 as a representative organisation of copyright owners including authors, publishers and other right holders.

The purpose of the IRRO is to balance the interests of its members and users of their works by granting licences to users of books, magazines, newspapers, journals, periodicals and other published works on behalf of the members.

The IRRO is a full member of the International Federation of Reproduction Rights Organisations (IFRRO), the international body that represents Reproduction Rights Organisations (RROs) across the world.

**The IRRO website can be accessed at <http://irro.org.in/>.**

### **How does the IRRO work?**

The IRRO grants blanket licences to organisations for photocopying and scanning published works in return for an annual fee, for a period of one year. During this period, the organisation can make multiple copies of the material without having to seek authorisation from the copyright owner every single time.

A licence from the IRRO, however, allows copying of not more than 15% or one chapter of any publication per year, whichever is greater. A list of the limitations applicable to an IRRO licence is available on the IRRO website under the 'License' section. Any photocopying done outside the purview of the IRRO licence requires approval from the concerned publisher or rights holder.

### **What fees does the IRRO charge for using copyrighted material?**

The details of the IRRO tariff scheme and the application form for reprographic licences are available on the IRRO website under the 'License' section. The annual fee has to be paid to the IRRO within 21 days of the date of the invoice.

### **How are the funds distributed?**

The IRRO uses data collected from surveys and other techniques to formulate a distribution scheme. It retains only the administrative costs incurred in the process and the rest of the funds collected as licence fee are distributed as remuneration to the copyright owners.

**22% of expenditure on education  
is spent on books and stationery**

### **CAN COPYRIGHTED CONTENT BE USED IN A NEW BOOK?**

Yes, provided the following process is followed. The first step is to determine the specific rights needed such as the right to reproduce, distribute, or modify the work. Next, the owner of the copyright needs to be identified (e.g., the author or the publisher) and contacted to seek the permission and negotiate whether payment is required. Finally, it is important to get the permission agreement in writing. The IRRO can assist with this process of helping you source the copyright owner and seek permission.

100% FDI allowed in publishing  
in India

### **IS COPYING FROM THE INTERNET ALLOWED?**

Most of the content available online is protected by copyright. Hence, copying from the internet, in the absence of express permission from the owner of copyright or from a licence granted by a registered copyright society, is allowed only within the realms of fair dealing exceptions (as explained previously). Further, while using content from the internet, the user is obliged to cite the sources correctly and give due credit to the author.

83 million Indian youth identify  
themselves as book readers



Support an industry that creates and disseminates knowledge—it helps everyone!



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