



Semester : II

LL.M.

Paper Code: LM-217

Copyrights and Neighboring Rights and Design Law

Credit - 02

Introduction:

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work. Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create. The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works and cinematograph films and sound recordings from unauthorized uses. Unlike the case with patents, copyright protects the expressions and not the ideas. Similarly, protection of industrial designs and protection of semiconductor integrated circuits layout-designs has to be implemented.

Course Objectives:

1. To introduce the concepts of copyright, the subject matter, and the term of copyright.
2. To enable the learners about the ownership, assignment, and transmission rights.
3. To familiarize the students with the working of copyright offices and registration of copyrights along with infringement and offences.

4. To familiarize the students with the licensing, Copyright societies, rights of performer and broadcaster and international copyright protection.

Learning Outcomes:

On the successful completion of course, students will be able to:

1. The concepts of copyright, the subject matter, and the term of copyright.
2. Ownership, assignment, and transmission rights.
3. The working of copyright offices and registration of copyrights along with infringement and offences.
4. Licensing, Copyright societies, rights of performer and broadcaster and international copyright protection.

Module - I

Introduction to Copyright, Subject Matter and Term of Copyright

- 1.1. Introduction to Copyright, Origin and Development;
- 1.2. International Conventions on Copyright;
- 1.3. Meaning and Nature of Copyright;
- 1.4. Subject Matter of Copyright;
- 1.5. Term of Copyright.

Module - II

Ownership of Copyright, Copyright Office and Appellate Board, Offences

- 2.1. Authorship and Ownership;
- 2.2. Assignment, Transmission and Relinquishment of Copyright;
- 2.3. Registration of Copyright;
- 2.4. Copyright Office and Boards, Appeals;
- 2.5. Infringement and Offences.

Module - III

Licences, Copyright Societies, Broadcasting Organization and Performer Rights, International Copyright

- 3.1. Licenses and Publication of Copyright;
- 3.2. Copyright Societies;
- 3.3. Broadcasting Organization and Performer Rights;
- 3.4. International Copyright;
- 3.5. Emerging Trends of Copyright.

Module - IV

Design Law

- 4.1. Industrial Designs Registration, Rights and Publication;
- 4.2. Infringement of Copyright of Industrial Design and Remedies;
- 4.3. Topographies of Integrated Circuits, Meaning and Need for protection;
- 4.4. Registration, Duration, Compulsory Licensing, Change in Identity of Proprietor of Topography of Integrated Circuits;
- 4.5. Infringement and Appeals for Topography of Integrated Circuits.

Prescribed Legislations:

1. The Copyright Act, 1957.
2. The Copyright Rules, 2013.
3. The Designs Act, 2000.
4. The Semiconductor Integrated Circuits Layout-Design Act, 2000.

Prescribed Books:

1. P. Narayanan, LAW OF COPYRIGHT AND INDUSTRIAL DESIGNS, (2019).
2. Lal, LAL'S, COMMENTARY ON THE COPYRIGHT ACT, 1957, (2022).
3. W. Cornish, *et.al.*, INTELLECTUAL PROPERTY - PATENTS, COPYRIGHT, TRADE MARKS AND ALLIED RIGHTS, (Sweet and Maxwell, 2016).
4. V. K. Ahuja, LAW OF COPYRIGHT AND NEIGHBOURING RIGHTS NATIONAL AND INTERNATIONAL PERSPECTIVES, (Lexis Nexis, 2015).
5. Paul Goldstein and P. Bernt Hugenholtz, INTERNATIONAL COPYRIGHT: PRINCIPLES LAW AND PRACTICE, (2021).

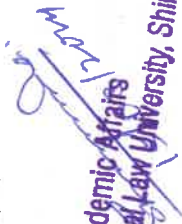
Prescribed Readings:

1. Upendra Baxi, *Copyright Law and Justice in India*, (JILI, October-December 1986).
2. R. Anthony Reese, WHAT SHOULD COPYRIGHT PROTECT? WHAT IF WE COULD REIMAGINE COPYRIGHT? (2017).
3. Gregory Booth, COPYRIGHT LAW AND THE CHANGING ECONOMIC VALUE OF POPULAR MUSIC IN INDIA, (2015).
4. Bushan Tilak Kaul, *copyright protection: some hassles and hurdles*, *Journal of the Indian Law Institute, Intellectual Property Rights Special Issue*, (2004).
5. Ashwani Kumar Bansal, PUBLIC INTEREST IN INTELLECTUAL PROPERTY LAWS, (2013).

6. Pradip N. Thomas, COPYRIGHT AND EMERGING KNOWLEDGE ECONOMY IN INDIA, (2001).

Suggested Readings:

1. Garima Jhunjhunwala and Prashant Kumar, *Developments in India—Website Owner and Service Provider Liability for User-Generated Content and User Misconduct*, (The Business Lawyer, 2015).
2. Mark A. Lemley *et.al.*, REDUCING DIGITAL COPYRIGHT INFRINGEMENT WITHOUT RESTRICTING INNOVATION, (2004).
3. Rajlakshmi V. Nesargi, COPYRIGHT AND COPY CULTURE IN INDIAN MUSIC, (2005).
4. Arjun Ghosh, CENSORSHIP THROUGH COPYRIGHT: FROM PRINT TO DIGITAL MEDIA, (2013).
5. Rishab Bailey, CENSORING THE INTERNET: THE NEW INTERMEDIARY GUIDELINES, (2012).
6. Gardiner G. Hubbard, INTERNATIONAL COPYRIGHT, (1886).


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