

## **COPYRIGHT PIRACY IN INDIA:**

Copyright piracy is a phenomenon prevalent worldwide. Piracy means unauthorised reproduction, importing or distribution either of the whole or of a substantial part of works protected by copyright. The author of a copyrighted work, being the owner, enjoys certain exclusive rights with respect to his or her works. These include right to reproduce, to publish, to adopt, to translate and to perform in public. The owner can also sell, assign, license or bequeath the copyright to another party if he wishes so. If any person other than the copyright owner or his authorised party undertakes any of the above mentioned activities with respect to a copyrighted product, it amounts to infringement of the copyright. Copyright piracy is thus like any other theft which leads to loss to the owners of the property. Besides economic loss, piracy also adversely affects the creative potential of a society as it denies creative people such as authors and artists their legitimate dues.

India has emerged as one of the biggest hubs of online piracy, with Delhi, Bangalore and Mumbai accounting for the major share of the illegal downloads. According to studies commissioned by the Motion Picture Distributors' Association (MPDA), the local office of the Hollywood Motion Picture Association (MPA), India accounts for maximum film piracy in any English-speaking country if one goes by the number of broadband subscribers.

**The Copyright (Amendment) Act 2012 which has in ways revolutionised the Copyright laws in India** has also made certain changes with regards to laws against piracy. **The new section 65A protects the technological protections measures (TPM) used by copyright owners against circumvention.** TPM is used by a copyright owner to protect his rights on the work. **In case a person circumvents it with the intention of infringing such rights, then that person would be punishable with imprisonment up to 2 years and shall also be liable for fine.** Further with the insertion of **Section 65B the Act intends to make removal of right management information without authority and distribution thereafter a criminal offence.** Information Rights Management (IRM) is a term that applies to a technology which protects sensitive information from unauthorised access. **So any unauthorised and intentional removal or alteration of any rights management information is a criminal offence punishable with imprisonment.** The introduction of Sections 65A and 65B is expected to help the film, music and publishing industry in fighting piracy.

### **There are different ways through which piracy takes place :**

- 1) **Book piracy** takes place when a book is reproduced by someone other than the real publisher and sold in the market.
- 2) A **performer's right** is violated when a live performance of an artist is recorded or telecasted live without his/her permission.

3) In a **cinematographic work** piracy generally takes place through unauthorised reproduction of the film in video forms and/or displaying the video through cable networks without taking proper authorisation from the film producer (the right holder).

4) In case of **Computer Software**, copying and distribution of computer programmes without the copyright holders permission. The software industry, generally, consists of creation and distribution of computer programmes. Creation of computer programme is similar to writing a novel or other literary works and it requires intellectual skill and training in software programming.

### **Punishment Under The Indian Copyright Act:**

Under the Indian Copyright Act 1957, a software pirate can be tried under both civil and criminal law. The minimum jail term for software copyright infringement is seven days, and the maximum jail term is three years. Statutory fines range from a minimum of 50,000 to a maximum of 200,000 rupees.

### **Adverse Effects Of Copyright Privacy On Relations:**

The scope of copyright is not confined merely to the arena of creativity and its economic exploitation in the country of its origin. It has emerged as a major factor in international relations. With the advancement in technologies copyrighted items started flowing freely across the boundaries and piracy assumed an international dimension. Since the nineteenth century the countries felt the necessity of having copyright protection in foreign soil as well. As a result, negotiations were held between countries which in some cases resulted in the conclusion of multilateral treaties.

EXAMPLE : The trade relations between the **US and China** deteriorated considerably over the issue of protection of Intellectual Property Rights (IPR). The US maintained that China is the worst violator of IPRs and the loss to the US economy is more than 2 billion dollars annually because of violation of its IPRs in China's territory. The dispute took a serious turn when US trade groups wanted trade relations with China to be stopped completely. It was only after the intervention of the heads of both the countries any further deterioration was averted.

### **Why Weak Laws In India:**

Piracy of copyrighted products is a problem as old as the copyright itself. Only in recent years it has received prominence, especially in the academic and policy circles. In India, no official estimate is available to indicate the extent of piracy and associated economic loss. But perceptions are that the piracy is a big problem.

### **REASONS ARE :**

- 1) Poor enforcement and lack of awareness on copyright matters.
- 2) Punishments prescribed for violators are stringent and comparable to those of many countries in the world.
- 3) The enforcement mechanism is weak in the country.
- 4) police personnel, who can play a major role in combating piracy, are not fully aware of various provisions of the law.
- 5) There is also lack of adequate number of personnel who can fully devote to copyright crimes alone. The police is more concerned with usual law and order problems and copyright related crimes are attached least priority.
- 6) The awareness level among end-users is also very low. While buying a copyrighted product, majority of consumers do not look at copyright notification. As long as price is low (as generally is the case with pirated products) users do not mind buying pirated products even knowingly.

**Piracy is not a problem which can be eradicated overnight. It needs persistent work and unity at the global level. The new amendments may not be enough to take India off the “priority watch list”.**