

# Copyright law: u.k and india

Law



## Abstract

This report explores most of the criteria of Copyrights and its vast area which protect creativity, invention and artists' originality by laws and regulations about intellectual properties. A large number of researches depict different kind of rules and their implementation for healthy business environment in media industry (Television) in different countries such as UK and India. Where appropriate information about Intellectual property and copyright gives full knowledge about report, as well as other side way of these properties's fair use helps to understand media and its creative environment. Discussion and background research are influencing conclusion with their logical elements and issues. Key point such as definitions, area of law, types of intellectual property, differences between constitutions affect topic very well and discover a wide range of knowledge.

## Introduction

Creativity is a major part of invention and every artist and inventor tries to save his/her invention. Every kind of intellectual property needs appropriate law for its protection by misuse and fair use. Wilson L. (2005, p. 8) states that " Most people realize that copyright protects works of art like poems and short stories, photographs, paintings and drawings and musical compositions. It may be less obvious that copyright protects more mundane forms of expression, including such diverse materials as advertising copy, instruction manuals, brochures, logo designs, computer programmes, term papers, home movies, cartoon strips, and advertising jingles". In this quote writer clearly mentioned safety issues and area of creative work. In this report we will be discussing about this kind of intellectual properties which

use in television industry. As well as according to this quote we understand that copyright is a unique way to protect creative works such as books, music and different kind of art and commercial work. Non commercial work and commercial work has categorised in intellectual property law according to their use, In simple words we can say that copyright laws prevent artistic work from unauthorised use. This report informed about different kind of copyright laws in different countries, behalf of this some important questions such as how to prevent creativity Fair use of creative works on Television Industry, Which parts of television area comes in intellectual properties?

Television Industry always works on wide range of new inventions and creative ideas where intellectual property is a necessary part of this media industry. Although matter is about new T. V shows, concepts, technologies, music or advertisements every part of this industry reflect copyright and its law. Many inventors already had given brilliant creative, entertaining and profitable ideas to media industry which still works for other companies and television channel for their profit via fair use, so it is very important issue to protect this kind of art. A Television company have different facts such as it is a commercial industry, advertisement technique, democratic organisation or institution, a medium between government and organisation, cultural visualisation technique. It is bigger than a thinking of business. While its only a source of entertainment for viewers on the contrary it is a big system which belongs to monetary term

Copyright and media have a unique connection which makes a wonderful business environment. Journalism, media, cable and broadcasting industry, advertisement agencies and their software's, videos, music etc. every part of <https://assignbuster.com/copyright-law-uk-and-india/>

television have a interesting fact about laws and terms and condition.

Fisherman A. (2004, p. 2) said that “ The U. S. Constitution gives Congress the power to protect works of authorship by enacting copyright laws. But it is up to Congress to actually write the copyright laws and decide on the details of what should be protected and for how long”. According to this statement we can understand that copyright and intellectual law system generated in U. S via Congress and copyright issues also have some eligible time period, every kind of intellectual property which relates to television and its factor have a different time ratio according to its type and sources.

Research

### **Rights and Power**

Matsuura, Jeffrey H (2003, p. 9) shows that “ Copyright law provide ownership to the creators of the original works that are fixed in tangible form. It grants those creators several fundamentals right to use for the work they create. One of those right is the right to create copies of (duplicate) the work. Another of those rights is the right to distribute the work. Copyright law also grants the creator of an original work the right to perform or to exhibit the work publicity”. Quote indicate that In television companies a producer or director have right of his copyright video to make copies for public display, video and soundtracks of video, distribution CD for profit by rent or sale as well as digital transmission etc. On the contrary Matasuura, Jefferey, H (2003. p. 98) states that the video industry avoided many content right battles that confronted their print and music industry colleagues in the early days of the internet. In part, the delay in encountering those issues was caused by the relative scarcity of consumer access to broadband capacity

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adequate to support high-quality digital video content distribution. With time, however, that respite for the video content industry is ending and thus the relative good fortune of the digital video content industry is rapidly fading. The video industry now faces many of the same difficult rights management issues that the other media industries are already attempting to resolve. The same challenges as control over content in digital form that the print publishing and music industries have faced for several years are now confronting the television and motion picture industry''

### **Collections**

One of the valuable limitations according to television copyright is the fair use techniques and valuation, every subject have to know about the fully terms and conditions about copyrighted product such as video or programme theme. There is only one copy can be copy and distributed but only when they don't use it for profit and make the copy available to the general public. On the other side it is not possible to get another copy from copyright holder.

### **Infringement and Strategy**

CREEBER (2008, p. 49) illustrate that " The USA, one of the biggest producers of media distributed – often illegally – around the world, passed the Digital Millennium Copyright Act in 1998 in an attempt to control unauthorized downloading of intellectual property. In 2001 the European Union (EU) crafted the EU Copyright Directive along similar lines. Many other nations also adopted such legislation, but in some areas of the world, most notably China, digital piracy continues with abandon." the site explains more about the concept of which procedures would be ideal to apply to a particular piece of research. Participantobservation, direct observations

about copyright implementation period in different countries. Its clearly shows that copyright system implementation had a very important issue which protect creative work by media people and stop the unfair use of intellectual property. Although some countries have not participated in this mission but gradually after a period country realised that they need a particular law for this problem. According to a internet news on Indian television website writer said that "The Anti-Piracy Coordination Cell, constituted by Federation of Indian Chambers of Commerce and Industry (FICCI) with the support of the HRD Ministry and the industry, will coordinate the efforts at combating the menace of piracy across sectors. Such a cross-sectoral initiative will lead to a synergized approach to a common and increasingly menacing problem" the statement informed that Indian government also participating gradually to remove piracy and unfair means in indian media. Any one who try to get profit by unfair means will be taken seriously by Indian judiciary.

Although every country implement laws and regulation to remove piracy from intellectual property but one question is still remaining that " How others can fair use of creativity of genuine work and which kind of duration and laws they have to follow ?"

Anything which use for social, cultural or political benefit and affect harm to copyright owner it comes to infringement. Specially when its not permitted. To avoid claims of piracy while we try to consider anyone else work we always beware that protect our self to become a piracy victim. We should aware and use a checklist before fair use of anyone work. For example we must research about the work and its background, we should get knowledge <https://assignbuster.com/copyright-law-uk-and-india/>

about works creator and his/her demands and authority belongs to work, some time if we use any kind of video or soundtrack we have to pay royalty amount regarding use of genuine work where on the contrary author or director of work provide NOC without any monetary terms. Media and television have a very complicated and deep amount of lawful information. Different category of fair use have different options such as if we want to use a broadcasted video or footage for public or social or culture related task we have to confirm its limitations and conditions for this statement Wilson L, (2005, p. 71) believes that " There is no definite boundaries between fair use and infringement, because no general rule defining infringement is possible - remember, the infringement evaluation must be made by weighing particular circumstances". It states that copyrights for intellectual properties specially in broadcasting system and cable tv is very strange. It is very necessary to get appropriate permission or license for fair use. Here the major point to understand is that difference between permission and license, use a particular stuff or work without monetary terms comes in permission and other side if we have to pay some amount for use works of someone else it comes in license section and similarity in both is that both depends on particular duration such as works area duration, time or date till then work can be use etc. One of the very good example is case study of international TV formats trading in the absence of IP protection where states that " The format is not necessarily reliant on legal protection. It certainly helps there is a degree of perceived legal protection but the industry at large is aware of how dubious that protection is" this statement basically describe about piracy and legal dimensions where a particular new invented TV show copied by different copycat producers. In this article there is a brief example has <https://assignbuster.com/copyright-law-uk-and-india/>

given about famous TV Show Pop Idols or American Idols which produced in different countries by various method such as Indian idol in India etc.

Producer said that it is theft to make the same programme with few changes where concept and theme are quite same.

### **Internet Television Rights**

New age and digitalization is making new innovative ideas of entertain audience where television become the part of life everyone's other side some digital companies was ready to adopt a new television technology "internet streaming television" which provide all visuals of live streaming and recorded programmes on internet. Although was really creative innovations but intellectual property law and their law also quite different for this kind of technologies. Kretschmer M (2007, p. 101) illustrate that Broadcasters, cable TV operators, content programmers, and television set manufacturers all agree that even if the digital transmission and interoperability issues are settled, the quandary over internet piracy and the possible distribution of high-definition content on the internet still needs to be resolved. Every procedure has a different evaluation according to its process if genuine director or producer allow his /her work to copy on internet by other websites then might be it's a extra profitable for them because in this case they can get royallity or other kind of amount such as license fees for there work, but if they have any contract or sponsorship with any company or label then contract paper decide the laws value for original creator.

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