

**Entrepreneurship And IP Strategy**  
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**Lecture 21**  
**Copyright - Definition and Subject Matter**

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A very warm welcome, this is the first module of the week five of the course Entrepreneurship and IP Strategy, titled, Copyright Definition and Subject Matter. In this week we will focus on copyright, this is one of the important type of IP. So, we are covering copyright definition, subject matter. Then copyright and related rights. Copyright registration and how you can use it in your entrepreneurial activities. And copyright infringement related things.

And then we will go through one of the case studies. So, in all we will try to give you idea about copyright overall what we can say overview of a copyright, so that you can just think in that direction when you are starting your entrepreneurship, a new venture you will just think whether any copyrighted material or anything in my entrepreneur activity or in my venture if there is anything which need copyright protection.

Or second question you will ask whether I am not infringing copyright of anyone else. So, these two questions are always important when you are dealing with the venture, your entrepreneurial activity you have to check whether you are utilizing your intellectual creation and second whether you are not infringing anybody else right.

Now, if you are researcher to just give you the overview that what copyright is because patent is different, trademark is different, copyright is different, industrial design is different, these are the main what we can say types of IP which generally you will come across in the during the your venture.

So, the example I can give, if you are a researcher or a teacher or a scientist and now you are entering into the venture, simple example of copyright you already dealt with is a publication, so that is a copyrighted work. If you are a doctor, you are aware of that “patient package insert”, so that “patient package insert” this is the information which is present along with the any that strip that any pharmaceutical product is there, it may be in the form of tablets, it may be in the form of capsule, it may be any what we can say the solution or something like that and in that packet they put “patient package insert”.And this gives the information about that product, some guidelines are there, some cautions are there. So, as a doctor you always came across this kind of information. And as a pharma if you are from a pharma background you are getting that information or you are coming across that kind of information, that is a copyrighted material of that organization or that firm who have produced that particular thing.

Now, if you are a farmer you will say how copyright is related to me? So, suppose you are a farmer and if you are involved in any food processing activity or any what we can say the storage related to the farm product something like that activity is there then probably you will come across that machinery or you will come across some process related activities. So, whatever that manual is there obviously that is always a copyrighted material. Just one example.

Now as a student if you are looking towards copyright then what is the example. I can give you is like your books whatever you are using, you are visiting library, or you are using online resources, so whenever you are going through that resources, or whenever you are going through that, what we can say, the online content obviously, this is a copyrighted material. Or you are visiting website that is a copyrighted material.

Or sometimes or as a recreational activity, anybody, we will watch movies, we will see that, we will listen to music so all this come under a copyright. What we can say that IP that is a copyright is involved in that kind of a creative work. Also you click photographs, again that

photographs, cricket match you are watching, their IP right that is a copyright is involved that is a related right we will go into details of that what are the related right.

Then TV serial you are watching, every day you are reading newspaper, some part although facts are there, every newspaper is getting the facts, but how they are presenting that newspaper that in their newspaper that is very important because of that only certain people will like certain newspaper, or certain news channel you will appreciate that more than the other one.

So, why this is, because you are giving importance to that expression.

So, in short, to just give you idea what that copyright is, it is nothing but the expression, how things are expressed and that expression is protected by the copyright. Now, another example you are coming across regularly is like a Facebook.

So, in a Facebook, if you try to put some music to your maybe you done the collage and all and suppose in the background you have put some music, obviously if it is music from any movie or something like that Facebook gives you warning that somebody's copyright probably you are infringing so some what we can say caution or some kind of a warning this Facebook is giving you. So, that awareness is now there and you will see that particular disclaimers or caution or that kind of messages on the website also or the social media also.

Now, as an entrepreneur, I will say that if you are in a film industry or if you are in a part of a music industry or you are in a publishing industry copyright is like an indispensable part in these industries. So, in this sector obviously among all IPs copyright is having more importance here. So, in this module now out of that five whatever the modules have, we are going in this week.

Now, we will go through in this module that what is the definition of copyright and what is the subject matter of a copyright, so that two things we will concentrate on that what is copyright and what is the subject matter of a copyright. So, let us check out what that details are.

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So, you can see here published and unpublished literary or scientific artistic work is there. Then you can see on the screen that 60 years of what we can say the lifetime of that copyrighted work is there. And you can see that copyright is extended only to a expressions. So, I have already told you that it is a copyright is for expression.

What is the life of that copyrighted material? So, we have already seen in the earlier modules that patent it is a 20 years, if you are dealing with a trademark this is the only IP which is having an infinite life because you can renew it and you can have an infinite protection for a trademark. Now, in case of a copyright there are various categories are there, but a broader category whatever copyright we are talking and in this module whatever we are dealing with that particular subject matter, it have a lifetime that is a 60 years after the death of an author.

So, not to worry who is author and how you have to calculate we will go through that particular thing and we will tell you who is author for a particular kind of a work because in the copyright that subject matter there are various types of subject, almost eight types are there we will go in the details of that.

Now, what you have to do is that, that particular material whatever your creative material is there you have to fix in a tangible or a material form and then that particular thing is what we can say you will get the protection. So, for example what is the meaning of that is that something is

coming out of your mind that is your intellectual creation and that intellectual creation suppose some what we can say tune music related that you are a composer and some tune you are just thinking of then you write it in the graphical note form and that graphical note will get the protection.

Or suppose you are a writer, you are writing something book or you are writing a blog so what you are doing that, you are thinking and you are expressing your thought by writing and that write up which is coming up as a blog or as a book that will get a copyright protection. So, this copyright protection it is as already it is for the expression and it should be expressed in a tangible form.

Remember no ideas cannot be protected as a copyright or any operation or mathematical concepts if you are talking you will not able to protect it as a copyright or it is a copyright, you can just write down obviously suppose that mathematical formula is there and you are writing that particular thing obviously you can get the protection for that expression definitely. But you please remember ideas if it is there and it is not expressed in a tangible thing you will not get the protection.

Similarly, like a patent also we have already told, means we have already discussed that patents when you are right whatever that concept is there you have to work out and that certain criteria are there that you have to follow and then you are writing it in the form of a document which you call it as a patent and that patent application is submitted and then that will go for examination and you will get the patent right.

Similarly here your thought process is there, you will say that I have a thought process and I am going to get a copyright for that, you have to express it, bring it into the tangible form and then you will get a protection for that particular tangible form, so you have to understand this process. So, ideas are not protectable.

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Now moving further if you seem that this what you can do with the copyright work, you can reproduce that particular work, then you can create a derivatives of that particular work, then you are able to distribute a copies of the work and then you are able to display, public display of your copyright work. So, you can do that particular thing. So, what is the meaning of that?

So, when you are creating what we can say the copyrighted material. So, for example, if I take example of a book. What you can do with a book? You can produce a copies of that, n number of copies and you can distribute and you can earn royalty also with that particular activity. Then you can convert that work maybe you feel that okay I will adopt it as a drama or I adapt it as a movie I will get that right, I will give that rights to some producer, he can produce a cinematography film out of that and I will get the royalty for that, definitely you can do and there are many example of this kind of work.

Then you can distribute a copies of work in the public if you want to give it free you can give free, if you want to create what we can say fortune out of that you can create that particular thing and you can do a display or a perform of that particular work. So, for example if it is a drama, you can perform it and nobody will stop you because you are the owner of that particular work.

So, once you get a copyright you can do the activities like reproducing, performing, public display, exhibition so all these things you can do with the copyright material or copyright or whatever the output of that intellectual creation is there you can do particular thing.

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Now, you have to remember that this copyright is a creation of a human intellect. Now, very important it is a exclusive right, so when you say exclusive right, what you are doing as a exclusive right, you are excluding others by not allowing them using your copyrighted material, so that is the exclusive right.

Then to whom this right is given? So, this right is given to an author. Now, for what this right is given? It protects the original work of authorship and it is obviously fixed in a tangible form. So that are the important things when you are dealing with the copyright, so you have to follow that particular things, tangible form, it should be original work obviously, then otherwise it is infringement or a plagiarism we will see what that infringement is in the upcoming modules.

Then it is granted to author so owner of a copyright is an author. So, I will relate it with a patent. In patent we have seen, assignee is there or applicant is there and inventor is there. So, assignee and applicant that is nothing but the owner of that patent. Inventor, although he has created that particular invention, he is like a creator of that invention but he does not get any legal right, so we understood that differentiation when we have dealt with a patent.

Here author is creating that particular thing and he is the owner of that particular thing. Now, you will say that simple example, if I give some wedding ceremony is going on and in the wedding some photographer is there and he is what we can say the task of taking that video shooting or that photography is what we can say it is given to expert who is expert in that photography or a video shooting.

So, whether he will own that right or you will own that right, because it is a wedding, that is a family function, it may be a wedding, it may be a family function, any festive activity whatever it may be. So, who will own that right because your photograph somebody else is clicking but as per what we can say the copyright law author photograph who is going to click that photograph is an author and therefore he will be the owner, so whether photographer will be owner of your that photo shoot whatever is going on or you will own that particular thing?

So, here the answer is like it is a work for hire, you are giving some what we can say consideration for that particular work and as it is a work for hire, so the word is like a work for hire, as this is a work for hire so here what the thing will happen obviously you have given the consideration and in that consideration author that is the expert who is doing that activity he will give that photographs to you because you have given him consideration or her consideration. Ok.

So, although he is author so that I guess I am able to clarify you that what is the concept of author in case of a photograph. So, we will go in the details but just I am giving you the example as it came here. Ok. Now, already we have seen that it is a creation of mind.

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Now, how you are going to register the copyright? So, when we are talking about this Berne Convention it is one of the important convention and it is like in 1886 this convention what we can say this Berne Convention for protection of copyright come into the what we can say that convention was in 1886. Now, here 178 countries are member of this convention. Here what the thing happened, it is a beauty of a copyright Act, you can write anything whenever you are writing maybe in the home when you are taking classes or you whenever your thought process is going on, you are writing something, you are writing emails, you are writing blogs, whatever the writing is there, as soon as you write it you are getting right over that particular write-up, obviously that should be original one.

So, if it is original obviously you are getting a write over that particular write-up. Now, here no need of a registration and that is a very important point we have to remember that there is no necessity of registration when you are dealing with a copyright. Then my registration is done and what are the procedure, what is the procedure for registration that we will see in the next upcoming modules.

But as a Berne convention because of this Berne convention what the benefit you are getting is that you do anything, you are writing any or creating some artistic work or this so anything a subject matter of a copyright, if you are creating immediately without registration you are getting a right over that, that is a copyright and it is protected in 178 countries, so that is a Berne convention, so that is what we can say the advantage of this convention.

So, 178 countries are the members of this Berne convention. I am just putting this point, it is just like a PCT is there in patent cooperation treaty is there or Paris convention is there when we when we dealt with the patent we have seen this too important what we can say the patent cooperation treaty and the Paris convention. So, 152 countries are there in PCT so that details we have seen here, so in copyright here it is the Berne convention.

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Now, moving further copyright rationale, what is the reason or why this act come into existence or what is the what we can say the motive behind this copyright. So, you can see that the first important thing is like obviously the advancement of knowledge. Second is like that protecting the rights of a copyright owner. Then third is like a preventing the unauthorized use of that particular copyrighted material. And then the last is like a giving an exclusive right to the copyright owner.

Now, just check that particular thing that striking a balance between creator and a user is important and that is perfectly done in a copyright law. We will see the little bit details of a copyright law in upcoming modules and you can see that there is a section 52 which is giving you the what we can say it is one of the important sections in a copyright act and that is giving you the idea about exceptions to the copyrighted material.

So, we will see that details in upcoming modules. But here what the thing is done when you see the act you will see that perfect balance is made between the rights of a author and what the what we can say the benefits user should get, so that what we can say particularly that is taken in care by this copyright act. And then exclusive right is given so that for a particular period author can get the benefit out of that intellectual efforts whatever he has put. Now, if you see further like this is what the copyright is. So, now we will see the subject matter of a copyright.

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So, first is motion pictures and other audio visual works. So, what do you understand my motion pictures and other audio visual works? Best example is a movies. Next, pantomimes and a choreographic work, I can give you a best example of a Charlie Chaplin and then the choreographic work we can see think of Saroj khan.

Next, architectural works. So, whatever that architectural works are there we know that we are rich in that architectural what we can say the works so all these are architectural works, now in the slide you can see that Jaipur wall is there so all this kind of architectural work will be protected under a copyright.

Coming next is a musical work, music you can understand easily all songs will come under that musical works. Literary work, next is a literary work, so what that literary work is, all books, then novels or blogs whatever that creation is there that will come under a literary work. Along with that in the literary work I am just giving you the point that computer programming is also a literary work.

Next, it is a sound recording. So, whenever sound is recorded on a plate or some what we can say tangible what we can say the form that will come or that will be called as a sound recording. Next is a dramatic works, so we are well aware about a dramatic works that many times many books are adapted and as a drama and we enjoyed that dramas, so that is a dramatic work.

And then the next is like a pictorial, graphic and sculptural work. So, when we are talking about a pictorial graphical or sculptural work I can give you the example like graphs maybe you are drawing in the academics somewhere or it may be a product related graphs or process related graphs whatever that details you are putting it in that form that will be considered as a graphs only, pictorial pictures, photographs that will come under this. Sculptural work is there, so all this will form the what we can say the copyright subject matter. Now, moving further we will see what is the what we can say the creative commons is there.

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Why I have put it here as a creative commons? It is exactly opposite to the copyright, opposite in a sense that in copyright what you are doing, you are just holding, that this is my right, this is my right and I am getting exclusive right over that I will not allow anybody to use that particular thing without my permission, so that is the approach or that is what we can say the mindset when you are talking about a copyright.

When you are talking about a creative commons I can give you the best example if you are from IT industry or many of our students are doing many softwares you are developing and all and we are aware that open source software is a big movement actually and because of that the benefit is that as it is open, freely available, the development is very fast and this is another side of what we can say and there is lot of debate on that, we will not go in the details of that just I am giving

you the little bit idea about that copyright is there, you have to take rights over that and you can what we can say generate wealth out of that definitely.

And similarly there are some activities like a creative commons which is an open source what we can say licenses are there and through that licenses NPTEL is a very good example that NPTEL these videos are there, it is available freely because of this creative commons what that license is there and because of that you are able to access that freely.

So, there are six types of licenses are there, in the one of the module you will see what that six licenses are there, but I will give you the what we can say copyright and copy left kind of thing or copyright and open source kind of thing is there, so that both what we can say activities it is a big activity, open so software is a big activity so that activity is also going on. So, we will just watch this video.

(Video Started: 25:14)



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**It's yours,  
you own it.**

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**You also own  
the copyright.**

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**Which means  
you decide  
how it is used  
and who can  
use it**

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**and if it can  
be copied and  
shared  
(or remixed).**

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**Creative Commons  
is a set of licenses**



**that enable  
lawful collaboration**

**to do things**

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**like**

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**copy**

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**share**

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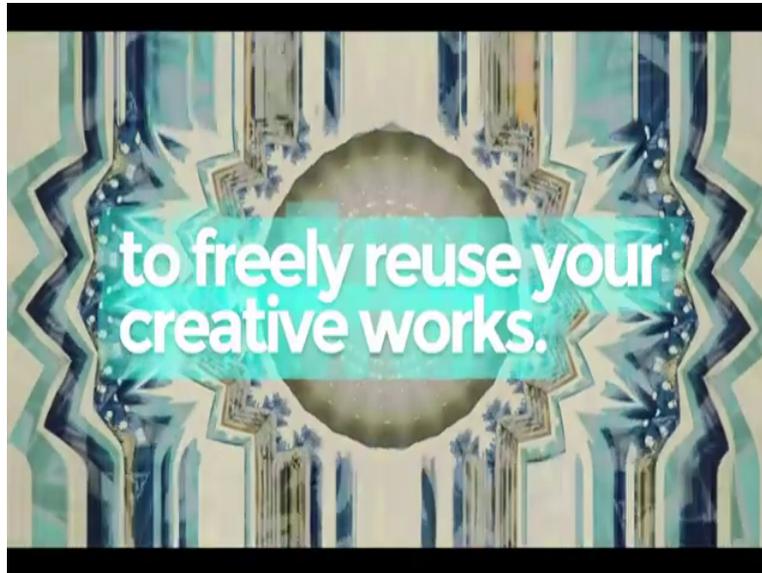
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**and remix.**

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The background of the lower section is the Creative Commons logo, which consists of a central blue circle with a white 'CC' and four icons: a person (BY), a crossed-out dollar sign (NC), a circular arrow (SA), and a person with a plus sign (ND). The logo is set against a dark blue background with a pattern of light blue and white geometric shapes.

**Creative Commons  
is a way to  
give permission  
to everyone**



(Video Ended: 25:56)

So, you can get idea about CC and what that creative commons is. Now, we will move further and we will see definitions whatever act is saying about this subject matter. So, next is like a literary work.

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Now, what that literary work is, any work written or printed in any language, for example, novel, poetry or books on any subject including tables, compilations and computer programs, so this will come under a literary work. Now, any material a computer program we will elaborate little bit more later but it is coming under the literary work.

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Next is like a dramatic work. So, dramatic work, any piece of recitation, choreographic work or entertainment in a dumb show, the scenic arrangement or acting from which is fixed in writing or

otherwise that will come under a dramatic work. So, here is one dramatic work we will just watch that particularly.

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The good is often turned with their bones, so let it be with, the noble brutus has told you caesar was ambitious if it was so it were a grievous fault and grievously that caesar answered it.

(Video Ended: 27:26)

Any piece of such kind of work obviously it will come under a dramatic work and it will be protected under the copyright act. Moving further next is a musical work.

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Any combination of what is that musical work. So, any combination of melody and harmony, either of them printed, produced to writing or otherwise graphically produced or reproduced this will come under the musical work. So, again you can see that tangible thing that will come into existence means tangible, something it should come under the tangible form is very important and therefore that graphical note in music work is a very important. In earlier example that is a drama we have seen that it will come into the form of either CD or it will be recorded in any form that is coming into the tangible form.

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Now, moving further next is like an artistic work. Now, what that artistic work is? A painting, a sculpture, a drawing that may include diagrams, maps, chart or plan and engraving or a photograph all this will come under an artistic work. I give you again this example painting, sculpture, drawings which will include diagrams, map, chart or plan or engraving or a photograph.

And therefore means when we do copyright due diligence, we take into consideration all these types and many times you feel that oh map is something like maybe it is a freely available, no, if you see a map you say take India map or you take a World map you will see copyright notice on map also, that particular sign of a copyright you are well aware about that thing, so you will see that sign, so if that sign is there you have to be very careful.

Photographs I can give you the best example of getty images. There is a very good site they are holding what we can say a good number of photographs and all are copyrighted and if you want to use any one of that particular what we can say photograph you have to pay to get images.

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Now, next is a cinematograph film, that we are very well aware about the cinematographic film, it all includes a soundtrack, may also include a soundtrack if and it includes then any work produced by the any process analogous to cinematography video film. So, all movies will come under this category and obviously they are protected and we will see who is an author of that particular cinematography because author is an owner of a copyright.

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The next is a record, any disk, tape or other device in which sounds are embedded so as to be capable of being reproduced from other than the soundtrack association with the

cinematographic film. So, that is called as a record, you know that that plates are there or that a particular tape is there and that particular sound is recorded in that that disc or a tape and that will come under again the copyright. So, what we can say these are the main what we can say the types and now we will move towards the copyright that is a computer software.

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So, if you see the computer software or a program, now this will come under a literary work computer program as per Indian copyright act it is a literary work and you can protect it under a copyright act but you have to give a source code, completely you have to disclose that particular thing. Therefore, any creator is not interested to disclose source code, that is a fact.

So, they will find the other alternative protection for their creation that is a patent but patent for computer program per se computer program is not patented, so what the alternative is you have to embed software with the hardware and that hardware along with software will be protected. So, it is a little bit idea I am giving you about a computer programming, but as for copyright we have seen it as a literary work.

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Now, we will see that who is the owner of that particular copy that different types of a subject matter of a copyright. So, for a literary work or a dramatic work the author who have created that drama or who has created that written that book he will be the author. Next is a musical work, so whosoever have composed that music that is a composer is the author of that musical work and therefore he is an owner for a musical work.

Next is the artistic work, so for artistic work who is owner? Artist who have created that particular thing he will be the owner for that particular artistic work. Then photograph, we have

already discussed person who is taking the photograph is the author of that photograph and therefore he will own the rights over a photograph.

The next is a cinematographic film, who will own that cinematographic film? Owner of the film and generally he is a or she is a producer of that film, so he or she will be the owner or an author of a cinematographic film. Next is a record, so whosoever is the owner of that original plate that he or she will be the owner for that particular record. So, these are the what we can say different subject matters of what we can say the copyright, subject matters and these are the authors of that particular work and authors are the owner and therefore owner will get that rights.

What that rights are? That reproduce that particular thing or distribute that particular thing or public display so all these rights that exclusive rights whatever are there which are conferred by this act will be obviously owned by these owners that is nothing but these authors. So, with this we are coming to the end of the what we can say this session.

Here, I guess you got a pretty well idea about what different or what is the definition of a copyright and what is the subject matter of a copyright. So, probably this will help you to know what that copyright is and what is the subject matter and how I am related to that particular thing whenever I am when venturing or whenever I am going into the entrepreneurial activities, I will take caution that if that kind of subject matter is there, if I am using it for a website or if I am using in the manuals or if somebody is using my work I am aware that this is a copyrighted material and in the next module you will see that what is that infringement is there or how you can do the registration and how you can use that effectively.

So, see you in the next section. Next session we will deal with the that copyright and how you can register that copyright. Thank you.