



Copyright Act 1957

For Prelims: Copyright Act 1957, Intellectual Property, Performer's Rights under Copyrights Act.

For Mains: Copyright Act 1957.

Why in News?

Recently, the Bombay High Court has **disposed the petitions** by an actor, who challenged the sales tax levied on her income from advertisements and performances in award shows.

- The case has raised questions about whether actors hold a Copyright for their performances and whether **they are liable to pay sales tax for it.**
- It also deals with how [Intellectual Property](#) is treated for taxation purposes.

What is the Case about?

- The actor challenged the imposition of a sales tax on her revenue from advertisements and award show performances.
 - The tax department argued that she was selling her copyright and thus owed an indirect tax.
- However, the actor argued that, as per **Section 2 (d) of the Copyright Act**, the producers of the shows are the original creators and possess the respective videos' copyright and she couldn't sell or transfer it adding that **she is a 'performer' under the law and acquired performer's rights under section 38 and 38A of Copyright Act.**

What are Performer's Rights?

- The Copyright Act of 1957 has a provision called Section 38 which recognizes "**Performer's Rights**" for artists, including singers and actors, for their performances in literary works, movies, and songs.
- These rights protect the **artist's work for 50 years** after the performance. This amendment was made in 2012 to protect artists and ensure they receive royalties for their work.
- **These rights cannot be transferred or sold** through an agreement, and **production houses cannot buy them out.**
 - This ensures that the **artist retains ownership of their work** and receives fair compensation for it.

What is the Copyright Act 1957?

- **About:**
 - Copyright is a legal right that protects **original works of literature, art, music, films,**

and computer programs, among others, in India.

- It **safeguards expressions of ideas rather than the ideas themselves**. The owner of a copyright has exclusive rights to adapt, reproduce, publish, translate, and communicate the work to the public.
- The act has undergone several revisions since **it was first passed in 1958**. The most recent amendment was in 2012.

▪ **Key Sections:**

- **Section 2:** Deals with various definitions of the work which can be covered under the definition of copyright.
 - For example, Section 2(o) deals with literary works, Section 2(h) includes all dramatic works under the definition of copyright protection.
- **Section 13:** Provides copyright protection to literary works, musical works, dramatic works, cinematographic films, and sound recordings, among others.
- **Section 14:** Grants the copyright owner a set of exclusive rights such as **adapting, reproducing, publishing, translating**, and communicating the work to the public.
 - No one can exercise these rights unless they have the permission of the copyright owner.

Note

- In addition to the act, the **Copyright (Amendment) Rules 2021**, were brought into effect to bring the copyrights in line with other relevant laws. Under the rules:
 - Provisions have been introduced to **ensure accountability and transparency in the collection and distribution of royalties**.
 - The Copyright Board has been merged with the [Appellate Board](#), and the compliance requirements for software registration have been reduced.
 - The applicant has the option to file the first 10 and last 10 pages of the source code, or the entire source code if it's less than 20 pages, with no blocked or redacted portions.
 - The Central Government has 180 days to respond to an application for registration as a copyright society.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q1. With reference to the 'National Intellectual Property Rights Policy', consider the following statements: (2017)

1. It reiterates India's commitment to the Doha Development Agenda and the TRIPS Agreement.
2. Department of Industrial Policy and Promotion is the nodal agency for regulating intellectual property rights in India.

Which of the above statements is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

Q2. Consider the following statements: (2019)

1. According to the Indian Patents Act, a biological process to create a seed can be patented in India.
2. In India, there is no Intellectual Property Appellate Board.

3. Plant varieties are not eligible to be patented in India.

Which of the statements given above is/are correct?

- (a) 1 and 3 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (c)

Mains

Q. In a globalized world, Intellectual Property Rights assume significance and are a source of litigation. Broadly distinguish between the terms—Copyrights, Patents and Trade Secrets. **(2014)**

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