



# Neighboring Rights Law

## Why in News

The **French competition regulator has asked Google to negotiate with publishers and news agencies** the remuneration due to them **under the law relating to neighboring rights**.

- The French regulator has announced that Google must **start paying media for sharing their content**, as its practices had caused serious harm to the press sector.
- The order is an **interim decision**. Though the order is only for the French press, it has global ramifications for Google and the press, as it can set a legal precedent and shape the discourse around the economics of news on the net.
- The neighboring rights law that came into force on 24<sup>th</sup> July, 2019 in France aims to set the conditions for a balanced negotiation between publishers, news agencies and digital platforms, in order to redefine, in favour of press publishers and news agencies, the sharing of the value between these actors.

## Neighboring Rights

- According to the [World Intellectual Property Organization \(WIPO\)](#), related rights, also referred to as neighboring rights, **protect the legal interests of certain persons and legal entities that contribute to making works available to the public or that produce subject matter which, while not qualifying as works under the copyright systems of all countries**, contains sufficient creativity or technical and organizational skill to justify recognition of a copyright-like property right.
- **Traditionally**, related rights have been granted to **three categories of beneficiaries**:
  - Performers (actors/musicians);
  - Producers of sound recordings (also referred to as phonograms); and
  - Broadcasting organizations.

## Protection in India

- 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**. There is no copyright in an idea.
  - 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.
  - Copyright is an [Intellectual Property Right \(IPR\)](#).
    - Intellectual Property Rights (IPR) are the rights given to persons over the creations of their minds: inventions, literary and artistic works, and symbols, names and images used in commerce.
    - Other IPRs include trademarks, [geographical indications](#), industrial designs, patents, etc.

- Copyright as provided by the Indian Copyright Act is valid only within the borders of the country. To secure protection to Indian works in foreign countries, **India has become a member of the following international conventions on copyright and neighbouring (related) rights:**
  - Berne Convention for the Protection of Literary and Artistic works, 1886.
  - Universal Copyright Convention (Revised in 1971).
  - Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of their Phonograms, 1971.
  - Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties, 1979.
  - Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, 1995.

**Source: IE**

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