

## ABSTRACT

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**Title of thesis: Enforcement of Copyright for the Protection of Entertainment Industry**

### **Findings:**

In the scenario of globalized world where the economies are competing amongst themselves the innovation has become one of the most important factors of sustainable growth for businesses, and of economic prosperity. The nations have realized the necessity of innovation and this particular realization is exhibited by alignment of their Intellectual Property Right policies which boosts, incentivizes and protects the innovative practices. In this regard it must be mentioned that sustained inventive and innovatory activity, leading to the development of new products or services, puts businesses at an advantage in technological terms and is a major factor and contributor in their competitiveness. Businesses often invest large amount of money in research and development and in the advertising and marketing of their products. This investment will not be undertaken unless they are in a position to recoup their expenditures<sup>1</sup>. Intellectual property rights are intangible and incorporeal right. It has become the indispensable rights and are of more value than that of tangible property rights and it plays a significant role in order to protect and provide due recognition to one's efforts. One of the old maxims says *Thou shall not steal*<sup>2</sup> is the fundamental principle of concern in the area of IPR's which intellectual properties laws seek to enforce, if violated or infringed. Intellectual property right comprises of Trademark, Patent, Design, Geographical indication and Copyright.

As the topic of my thesis is enforcement of copyright for the protection of entertainment industry. Copyright protects the rights of creators and authors and the copyright is important for entertainment industry because in entertainment industry creators and authors comprises of singer, music director, film director, performers, composers, choreographer, technicians etc. These creators and authors are playing a seminal role and their rights can be protected through better enforcement of copyright.

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<sup>1</sup> Stewart, *International Copyright and Neighbouring Rights*, Butterworths, 2<sup>nd</sup> edition, p.13.1989.

<sup>2</sup> One of the ten commandments, it means one cannot be allowed to steal

Better enforcement of copyrights is important because according to a study reported by FICCI the total contribution of the entertainment industry in India's annual GDP is 5 percent<sup>3</sup> and it benefit the National economy by increasing employment and accounting for a considerable part in government revenue in the form of excise duty, income tax etc.

Entertainment industry is passing through a very critical stage due to rampant piracy, infringement, cam cording and online leakages and in present perspective due to emergence of 4G services and healthy growth in number of 3G subscriber and continued adoption of 2G by masses and concerted efforts by various digital ecosystem players under the Digital India Program have posed a great threat to the entertainment industry.

However, the role played by the police and other Central Government agencies is vastly instrumental in enforcement, bringing the infringing agents into picture but still Central Government has long way forward. Till now government has not given due stress and emphasis on sensitizing the common people and sharing of best practices on copyright issues. Infrastructure which also comprises of capacity building is inadequate and requires immediate augmentation. With respect to capacity building measures, one needs to understand the dimensions of copyrights and their rapid evolution in the areas of infringement and violation. Thus, this has led to a situation where in an effective and efficient force catering to such violations must be created. The existing police personals are ill equipped both technologically and knowledge wise, which requires augmentation of their skill set in order to address this pressing issue. Moreover, such violations cannot be tackled through single agency, it requires coordination and convergence of both public and private agencies in order to address as well as reach to the root cause of the problem. Further, the seriousness of the issue calls for developing and effective forum on which all stake holder can interact and decide for addressing the problem and also steps for strengthening the enforcement in entertainment industry. This forum shall not only be deliberative but also it shall lead to convergence of minds from hailing from various stakeholders.

There is lack of coordination among different Ministries of the Government of India. The Ministry of Home has to walk together with Ministry of Commerce for identification, understanding, tackling of the piracy related issues. India is well known with a mean age group of 28 years, having demographic dividend which is witnessing technological advancement and adoption across age groups.

It is for these above reason that copyrights need to be protected. The procedure of enforcement of copyrights also needs to be appreciated in this light. For the above reasons India need very strong enforcement machinery. In this thesis researcher is endeavor to proof through both doctrinal and empirical approach the importance of better enforcement.

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<sup>3</sup> FICCI- KPMG Report 2015.

