



# Exploring the Intersection of Authorship and Ownership: A Study of Indian Copyright Law in Creative Works

Rachana Wadhwa<sup>a,\*</sup>, 

Ms. Jasdeep Kaur<sup>b,\*\*</sup>, 

<sup>a</sup> LLM Student, School of Law, Lovely Professional University, Punjab (India).

<sup>b</sup> Assistant Professor, School of Law, Lovely Professional University, Punjab (India).

## KEYWORDS

Intellectual Property, Copyright, Authorship, Ownership, Compulsory Licensing, Fair Use or Fair Dealing, Berne Convention, Digital Right management (DRM), Copyright Management Organisation (CMO), Artificial Intelligence (AI), Blockchain, Machine Learning (ML), Internet of Things (IoT)

## ABSTRACT

In the context of Indian copyright law, this research study examines the complex link between authorship and ownership, with a particular emphasis on the ramifications for authors of creative works. This study sheds light on the intricate issues regarding copyright ownership in the Indian setting by examining legal statutes, court decisions, and real-world applications. This study provides insights into the difficulties and opportunities faced by creators in defending their intellectual property rights by examining the standards for authorship, the distribution of ownership rights, and the effects of the copyright law on artists and creative industries. It also examines important issues and disagreements, such as disagreements on collaborative writing, work-for-hire contracts, and the preservation of traditional knowledge. In the end, this study advances our knowledge of copyright dynamics in India and offers suggestions for legislative changes that would promote a fair and just copyright system that is encouraging of innovation and artists.

## Introduction

The ideas of authorship and ownership serve as cornerstones in the ever-changing field of creative expression, establishing the dynamic between artists and their works. This interaction has significant ramifications for the rights, obligations, and financial interests of artists in a variety of artistic fields within the context of the Indian copyright law. This study aims to explore the various aspects of authorship and ownership in the light of the Indian copyright law, thereby illuminating the complex interplay between artistic

liberty and legal safeguards.

## Relevance and Context

India has a millennium-long history of artistic creativity and expression, contributing to its rich tapestry of cultural diversity. The nation's creative scene is as dynamic and varied as it is varied, encompassing everything from music and literature to visual arts and film. The authors, artists, composers, and filmmakers who infuse their works with their unique visions, cultural insights, and intellectual prowess, are at the core of creative creativity.

Questions about who owns the rights to various artistic,

## Corresponding author

\*E-mail: [rachanawadhwa@gmail.com](mailto:rachanawadhwa@gmail.com) (Rachana Wadhwa).


\*E-mail: [jasdeepkaur0198@gmail.com](mailto:jasdeepkaur0198@gmail.com) (Ms. Jasdeep Kaur).


DOI: <https://doi.org/10.53724/lrd/v8n3.2>

Received 05<sup>th</sup> Jan. 2024; Accepted 10<sup>th</sup> March 2024

Available online 30<sup>th</sup> March 2024

2456-3870/©2024 The Journal. Publisher: Welfare Universe. This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/)

 <https://orcid.org/0009-0008-0275-9631>

 <https://orcid.org/0009-0000-2990-882X>

literary, and musical productions and how those rights are safeguarded are becoming more and more important as creators produce a wider range of these works. This is especially important when considering India, a nation with a vibrant creative sector and a rich cultural legacy. The issue of authorship and ownership is crucial in upholding creators' rights and fostering an environment conducive to innovation amidst creative flourishing.

The legal basis for addressing these questions is primarily based on the Indian Copyright law, primarily outlined in the 1957 Copyright Act and its subsequent amendments. However, there are still many other facets and subtleties involved in negotiating the boundaries between authorship and ownership within this framework.

### Articulation of Purpose of this Research Paper

This paper explores the intricate relationship between the copyright law and ownership in India's creative ecosystem, aiming to clarify the intricacies of this intersection and contribute to understanding the dynamics of creative works. Through this paper, I have tried to clarify the following important points:

1. **Examine Legal Framework and Identifying Ownership and Authorship:** The study examines the Indian copyright law's statutory provisions and judicial interpretations regarding authorship, ownership, and their differences in the context of the Indian Copyright Act.
2. **Rights and Responsibilities of creators:** According to the Indian copyright law, what rights are granted to creators and owners of creative works? What are the rights of owners and creators regarding exploitation and protection of their works, and how do these rights relate to one another?
3. **Examine Challenges and Controversies:** This study looks at the challenges and issues associated

with authorship and ownership under the Indian copyright rules including joint authorship, work-for-hire contracts, and traditional knowledge preservation, analysing prior rulings and court understanding of these issues in significant cases?

4. **Consequences for Creators:** The study explores the cultural and economic impacts of the Indian copyright law on creators, as well as the real-world effects of ownership disputes and license agreements in India's diverse creative scene.
5. **Policy Considerations:** Lastly, the text suggests potential reforms and policy considerations to ensure a fair and balanced copyright system that supports Indian creators and innovation and will help to build a stronger and more welcoming atmosphere for innovation and creativity in India.

### Evolution of the Indian Copyright Law

India's copyright laws, dating back to the colonial era, have undergone significant changes over time, as illustrated in the evolution of the law-

#### 1. Colonial Period (Pre-Independence era)

- India's copyright laws originated during the British colonial era, primarily protecting British publishers and authors.
- The British Copyright Act of 1842 influenced the Copyright Act of 1847, which provided limited protection for engravings, literary, theatrical, and musical works, but did not safeguard indigenous cultural manifestations or Indian authors.

#### 2. The Copyright Act, 1914

- The Copyright Act, 1914 replaced the earlier legislation and it had significantly improved the Indian copyright law, expanded the scope of protected works and introduced the provisions of registration of copyrights.

- While the Copyright Act of 1914 provided some recognition to Indian authors, it still primarily served the interests of British authors and publishers

### 3. Developments during and after Independence

- After Independence, the Copyright Act, 1957 was passed to adapt the copyright legislation in compliance with the evolving socio-cultural and technological environment.
- The updated copyright law broadened its protection to encompass creative, literary, dramatic, musical, and artistic works, incorporating provisions for remedies, infringement, author rights, and protection duration.

### 4. Amendments and Revisions in the Copyright Act, 1957

- Since its inception, the Copyright Act, 1957 has been revised multiple times in 1983, 1994, 1999, 2012 and 2017 so as to align with global the copyright law developments and address digital challenges like piracy and online infringement, in India.
- The Copyright (Amendment) Act, 1983 and 2012 introduced compulsory licensing and technological protection measures, recognizing digital rights management and the need for broadcasting organizations to obtain statutory licensing.

### 5. Influence of International Treaties and Agreements on the Indian Copyright Law and Its alignment with International Standards

The important international treaties and conventions have significantly influenced India's copyright laws and ensured the compliance with global norms and promoting global compliance are given hereunder:

#### (i) Berne Convention (1928)<sup>1</sup>

The Berne Convention, which establishes minimum standards for the preservation of artistic and literary works among its member countries, was adopted by India in 1928. The notion of automatic protection upon production of a work is one of the several Berne Convention principles replicated in the Indian Copyright Act of 1957.

#### (ii) Universal Copyright Convention (UCC)<sup>2</sup>

In 1958, India joined the Universal Copyright Convention (UCC). The UCC provides an alternative copyright protection framework for countries that are not parties to the Berne Convention. It allows for copyright protection without requiring formalities such as notification or registration. Sections of the Indian Copyright Act embody the guiding principles of the UCC.

#### (iii) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)<sup>3</sup>

TRIPS mandate that member states adhere to specific criteria for copyright enforcement and protection, and it lays forth fundamental principles for the protection of intellectual property rights, including copyright. As a signatory to the TRIPS Agreement of the WTO, India changed its copyright laws in 1999 to meet the minimal standards for intellectual property rights protection.

#### (iv) WIPO Performances and Phonograms Treaty (WPPT) and WIPO Copyright Treaty (WCT)<sup>4</sup>

These agreements protect copyright in the digital domain as well as the rights of performers and phonogram manufacturers. India strengthened its adherence to global copyright standards and protected the rights of artists and producers in 2018 when it ratified

these WIPO treaties.

#### (v) Marrakesh Treaty<sup>5</sup>

To increase accessibility for those who are blind or visually impaired, India ratified the Marrakesh Treaty in 2014. Its copyright laws were updated in 2016, and international accords have shaped the development of the copyright law.

#### (vi) Present Scenario

The Copyright Act, 1957 and its later changes, which constitute India's present copyright legislation, provides a comprehensive framework for India's copyright protection, addressing digital piracy, online infringement, and digital work usage, while also defining copyright ownership, rights, limitations, and remedies.

The copyright law in India has evolved through colonial legacies, post-independence changes, and balancing interests of authors, copyright owners, and the public while adapting to technological and global realities.

### Definition of the Key Concepts

#### Authorship

**Definition:** Authorship is the process of producing or creating a unique work that is protected under the copyright laws. The author is the person or entity in responsible for the creative process behind that work.

The term “**Authorship**” is not defined specifically under the Indian Copyright Act, 1957. Nonetheless, “**Author**” is defined as “the person who creates a dramatic, musical, literary, or artistic work” under Sub-Section (d) of Section 2 of the Indian Copyright Act, 1957.

Thus, the term “**Author**” has defined in Sub-Section (d) of Section 2 as below-

- the person who created the work in the case of a literary or dramatic work;

- the composer in the case of a musical work;
- the artist in the case of an artistic work other than a photograph;
- the photographer in the case of a photograph;
- the producer in the case of a cinematograph film or sound recording; and
- the person who creates any computer-generated literary, dramatic, musical, or artistic work

#### Ownership

**Definition:** Copyright ownership refers to the legal rights a person or organization holds over a work, including exclusive rights to reproduce, disseminate, execute, exhibit, and alter the work in addition to the right to permit third parties to do the same.

Ownership is not expressly defined under the Indian Copyright Act, 1957. However, as per Section 17 of the Act, the owner of the copyright often lies with the author or creator of the work, unless it was created while employment or as part of a contract, in which case the employer or commissioning party can be the rightful owner. Furthermore, according to Section 18 of the Act, the author of the work is typically the initial copyright holder.

#### Copyright

**Definition:** Section 13 of the Copyright Act, 1957 defines “**Copyright**” as: -

*“original literary, dramatic, musical, and artistic works as well as cinematographic films and sound recordings that exist throughout India.”*

Section 14 lists the exclusive rights granted by copyright, which include the right to translate, adapt, communicate publicly, and reproduce the work.

#### Rights and Responsibilities conferred upon Authors and Owners under the Indian

## Copyright Act, 1957

Authors and owners of works protected by copyright are granted moral and economic rights by the Indian Copyright Act of 1957. These rights and responsibilities are examined below: -

### 1. Moral Rights

- (a) **Right of Paternity:** The author's identity will always be associated with the work thanks to this safeguard against unapproved authorship attribution.
- (b) **Right of Integrity:** Authors own the entitlement to protest against any misrepresentation, mutilation, or alteration of their compositions that could potentially harm their standing.
- (c) **Right of Divulgence:** Authors are entitled to control the timing and method of public disclosure of their works.
- (d) **Right of Withdrawal:** If authors feel their work has been misrepresented or utilized in a way that damages their reputation, they are free to remove it from distribution or publication.
- (e) **Right of Attribution:** Authors are entitled to be recognized as the original creators of their works and to have their names attached to them.

### 2. Economic Rights

- (a) **Right of Reproduction:** The authority to duplicate the composition.
- (b) **Right of Adaptation:** The capacity to create dramatizations, translations, and adaptations based on the source material.
- (c) **Right of Distribution:** The ability to sell, rent, lease, or lend copies of the work to a larger audience.

- (d) **Right of Perform in Public:** The capacity to exhibit the art in common areas like theatres, arenas, and open exhibitions.
- (e) **Right of Public Communication:** the ability to freely distribute the work to the public through streaming, radio, the internet, and other media.
- (f) **Right of Translation:** The exclusive right to translate the work into other languages is known as the “right of translation.”
- (g) **Right of Rental:** The ability to approve the rental of certain kinds of works, including sound recordings, computer programs, and cinematic films.

### 3. Responsibilities

- (a) It is the duty of authors and owners to uphold the moral rights of authors, which includes making sure that works are not altered or distorted in a way that could damage the reputation of authors.
- (b) Owners are accountable for appropriately managing and utilizing the economic rights that have been entrusted to them, and authors are entitled to just compensation for the use of their creations.
- (c) Authors and owners have an obligation to abide by the provisions of the Copyright Act, which includes respecting the rights of other copyright holders.
- (d) Owners and authors have an obligation to protect their intellectual property and take legal action against infringement.

### Challenges and Controversies

Authorship and ownership are fundamental concepts in the Indian copyright law that have sparked controversies and challenges on a number of occasions. Here are some of the Critical Issues-



## 1. Joint Authorship

Joint authorship and ownership in collaborative works can be challenging due to potential disagreements over individual contributions and rights.

## 2. Ownership Issues

Copyright ownership issues are common in collaborative, commissioned, or employee-produced works, leading to complex court cases and ambiguity about usage.

## 3. Contract of Service-Work-for-Hire

The Copyright Act designates the employer or contractor as the copyright owner in commission or employment agreements, but disagreements may arise regarding interpretation and extent of rights.

## 4. Protection and Acknowledgment of the Moral Rights

The Copyright Act acknowledges moral rights, but enforcing them can be challenging, especially when works are altered or misrepresented without permission.

## 5. Digital Right Management (DRM)<sup>6</sup>

Digital technologies and online platforms pose challenges in managing digital rights, with issues like illegal distribution, reproduction, and access causing concerns about infringement and piracy.

## 6. Fair Use and Fair Dealing

Fair use, as it applies to the United States, or fair as it relates to India and other Commonwealth nations, allow restricted use of copyrighted content for academic, research, teaching, criticism, and news reporting, but can be arbitrary.

## 7. Orphan Works<sup>7</sup>

An orphan work is a copyrighted work with no clear owner. Users that wish to use orphan works but are unable to get permission from the copyright owner to do so run into difficulties. It is difficult to strike a compromise between copyright owners'

rights and the necessity of accessing orphan works.

## 8. Plagiarism and Piracy

In India, plagiarism — the practice of someone claiming authorship over a work they did not create — is a serious problem. This damages the reputation and financial interests of legitimate authors while undermining their rights.

Piracy is also a major threat to copyright holders, especially in the digital age. Unauthorized duplication and dissemination of copyrighted media, including books, music, and film, denies authors their due compensation and impedes the expansion of the creative industries.

## 9. Knowledge and Cultural Heritage Accessibility

Copyright enforcement raises concerns about restricting access to information, education, and cultural heritage, particularly in developing nations and marginalized communities, requiring a balance between rights holders' interests and public desire for informational and cultural freedom.

## 10. Collective Management Organisations (CMOs)

Debates surround the role of Copyright Management Organizations (CMOs), which manage rights for multiple authors and owners, with concerns over transparency, accountability, and equitable royalties' distribution.

## 11. Technological Protection Measures (TPMs)

The Copyright Act contains clauses that prohibit violating the TPMs that copyright holders apply to shield their works from unapproved access or duplication. These clauses, however, might obstruct acceptable uses like preservation, interoperability, or research, which raises questions about how to strike a balance between copyright protection and user rights.

## 12. Globalization and International Treaties

India's compliance with international copyright treaties and agreements can lead to conflicts,

requiring balancing domestic policy goals with international commitments, despite protecting national interests and cultural diversity.

Addressing these issues and disputes requires a well-balanced approach that protects the rights of authors and copyright holders while encouraging originality, creativity, and knowledge access. Narrowing the gap between authorship and ownership in the Indian copyright law requires international collaboration, technical advancements, stakeholder discussions, and legislative reforms.

### **Landmark Indian Copyright Cases involving disputes over Authorship and Ownership Rights in Creative Works**

Several noteworthy copyright cases have been filed in India as a result of disputes over authorship and ownership rights of creative works in a variety of fields. Some of these noteworthy cases are given hereunder: -

#### **1. R.G. Anand Vs. Deluxe Films (1978)**

R.G. Anand sued for copyright infringement in a Bengali drama translation into Hindi movie “*New Delhi*,” addressing issues of authorship, ownership, and playwright rights.

#### **2. Super Cassettes Industries Ltd. Vs. Gramophone Company of India Ltd. (2004)**

In this case, the ownership of sound recordings of musical works was in question. The distinction between the copyrights in the sound recordings and the underlying musical works was elucidated by the court. Issues with royalties, licensing, and composers' and producers' rights were brought to light by this lawsuit.

#### **3. Tata Sons Ltd. Vs Manoj Dodia (2001)**

In this case, the Tata logo's copyright was in question. Tata Sons Ltd. asserted that by employing a similar emblem, the defendant had violated its copyright thereby raising concerns

regarding corporate brand ownership and copyright protection.

#### **4. D.B. Modak Vs. Eastern Book Company (2008)**

The court resolved a disagreement over copyrightability of court rulings from law reports, stating that although judgments are publicly available, their structure and selection may be protected by copyright. The case resolved questions about databases' and compilations' copyrightability.

#### **5. Subhash Chandra Vs. M/s. Academy of General Education, Manipal (2008)**

The court ruled the employer as the copyright holder of a software created by an employee while they were employed, raising concerns about intellectual property ownership in the workplace.

#### **6. Indian Performing Right Society Ltd. Vs. Eastern Indian Motion Pictures Association (1977)**

The court upheld the authority of copyright groups to collect royalties for public performance of protected musical compositions, providing clarification on copyright societies' rights and collective management.

#### **7. Bollywood Vs. T-Series Case**

In 2012, a dispute over music rights between Bollywood producers and record company T-Series was resolved in T-Series' favour, emphasizing the importance of obtaining legal rights through contracts and licensing.

#### **8. Leo Burnett (India) Pvt. Ltd. & Ors. Vs Star India Pvt. Ltd.**

The Bombay High Court ruled in 2003 that advertising jingles can be protected under the copyright law if they demonstrate originality and creativity. This decision highlights the significance of upholding copyright in commercial works.

#### **9. Microsoft Corporation Vs Yogesh Popat &**

### Associates

In this 2008 case, software piracy was at issue. The Delhi High Court held the defendants accountable for copyright infringement for their illicit distribution of Microsoft software, ruling in favour of Microsoft. The case underscored the importance of preserving intellectual property rights in the digital era and protecting software copyrights.

#### 10. Eric Clapton's Song Plagiarism Case

The Delhi High Court held that Eric Clapton's song *"Gypsy Woman"* had been plagiarized in the Bollywood film *"Gangs of Wasseypur"* song *"Jiya Tu Bihar Ke Lala."* The case concerned disputes about authorship and ownership rights to musical compositions.

#### 11. Emami Ltd. Vs. Dabur India Ltd. (2004)

The Delhi High Court ruled that unique and creative packaging designs can be protected under the copyright law, highlighting the intersection of copyright and design law in product packaging situations.

These instances demonstrate how crucial the copyright law is in safeguarding the authors' and the copyright holders' legal rights in a range of creative arts, including software, music, movies, and books. In establishing copyright ownership and infringement responsibility, they also stress the significance of originality, innovation, and legal compliance. These decisions also aid in the growth of the copyright law in India and offer precedent for future authorship and ownership rights matters involving creative works.

### Identification of Gaps and Shortcomings in The Indian Copyright Law concerning Authorship and Ownership along with Suggestions for Legislative Reforms

The Indian copyright law needs legislative changes to address ownership and authorship gaps, with certain

crucial areas requiring improvement and reform suggestions-

#### 1. Uncertainty Regarding Joint Authorship and Ownership

**Issue:** The Indian copyright law lacks clear guidelines for joint authorship and ownership, leading to potential confusion and disagreements in collaborative works.

**Reform Suggestion:** Statutory provisions for joint authorship and ownership, dispute resolution procedures, and the required contribution percentage for co-authors are suggested in the Indian copyright law.

#### 2. Inadequate Protection for Freelancers and Independent Creators

**Issue:** Independent contractors and freelancers often face challenges in advocating for their rights and negotiating fairly with distributors, publishers, and producers.

**Reform Suggestion:** The proposed legislation aims to enhance the rights of independent creators and freelancers by requiring mandatory contracts, equitable compensation, and dispute resolution procedures. Establish collective management groups to represent and negotiate the interests of freelancers.

#### 3. Restricted Appreciation of Moral Rights

**Issue:** The Indian copyright law grants limited protection to moral rights, particularly integrity and attribution, which are crucial for maintaining the integrity and reputation of authors' works.

**Reform Suggestion:** The Copyright Act should be modified to clearly recognize and preserve moral rights, such as the right of withdrawal, attribution, and integrity, and provide remedies for transgressions.

#### 4. Complicated Royalty and Licensing Systems



**Issue:** In India, the complex and opaque licensing and royalties' procedures make it difficult for artists to secure fair deals and timely payment.

**Reform Suggestion:** Standardize contracts, open royalties' collection systems, and establish dispute resolution procedures to streamline licensing and royalty procedures, while promoting technological platforms for efficiency and transparency.

## 5. Inadequate safeguarding of digital works and new media

**Issue:** The Indian copyright law struggles to address digital works, internet piracy, digital rights management, and emerging technologies like Artificial Intelligence (AI)<sup>8</sup>, Blockchain<sup>9</sup>, Machine Learning (ML), Internet of Things (IoT)<sup>10</sup> affecting creative production, distribution, and rights management.

**Reform Suggestion:** The Copyright Act should be updated to address digital technologies' challenges, including enhanced digital rights management, anti-piracy measures, and enhanced enforcement measures to combat internet piracy.

## 6. Encouragement of Fair Use and Knowledge Access

**Issue:** The ambiguous fair use or fair dealing clauses in the Indian copyright law restrict access to knowledge, education, and cultural expression.

**Reform Suggestion:** The Copyright Act's fair use and fair dealing clauses are being enhanced to promote knowledge access, transformative applications, and non-commercial uses for public interest, education, and research.

## 7. Digital Rights Management (DRM)

**Issue:** The Copyright Act fails to adequately address digital rights management concerns such as encryption, access controls, and anti-circumvention methods.

**Reform Suggestion:** The Copyright Act should be

updated to incorporate DRM technologies and safeguards to prevent illegal access, duplication, and distribution of digital works, while balancing users' rights and DRM measures.

## 8. Orphan Works and Access to Knowledge

**Issue:** The inadequacy of The Indian Copyright law in addressing orphan works makes it challenging to access significant culturally significant works.

**Reform Suggestion:** Create a structure allowing orphan works with strict restrictions, fair recompense for rights holders, and copyright exceptions to promote cultural preservation and facilitate knowledge access.

## 9. Assistance for Small-Scale Creators

**Issue:** The current copyright laws may pose challenges for independent filmmakers, authors, and small-scale creators in marketing and defending their works.

**Reform Suggestion:** The proposal aims to establish support systems for small-scale artists, including collective management organizations, legal aid, and copyright education programs, to facilitate their participation in the creative economy.

## 10. Effective Strategies of Enforcement

**Issue:** India continues to face difficulties in enforcing the copyright rules because of a deficient legal system, limited resources, and pervasive piracy.

**Reform Suggestion:** The proposed measures aim to enhance law enforcement agencies' capabilities, expedite court procedures for copyright violations, and impose harsher penalties for piracy and infringement.

## 11. Clarity in Provisions for Service-Work-for-Hire

**Issue:** The ambiguous rules of the Indian copyright law on hire-produced works may lead to disputes

regarding ownership rights between employers, workers, or contractors and authors.

**Reform Suggestion:** Clarify the circumstances of hiring a work, including rights of artists, employers, and contractors, and ensure fair compensation and moral and financial rights for creators.

## 12. Balancing Access and Rights

**Issue:** The rights of creators and the public interest in knowledge, education, and cultural expression should be balanced under the copyright law.

**Reform Suggestion:** Legislative amendments should include fair use/fair dealing clauses, exclusive rights restrictions, and exceptions for educational and research purposes to promote information access while preserving copyright.

Proposed legislative changes aim to address gaps in the Indian copyright law, promote innovation, protect creators' rights, and ensure a fair system, requiring collaboration with stakeholders including creators, rightsholders, users, and legislators.

## Conclusion

In summary, this research paper explores the intricate relationship between authorship and ownership in the Indian copyright law, highlighting its implications for creative works across various media and analysing relevant case studies, literature and legislative regulations.

Firstly, based on the core concepts of authorship and ownership, the paper explains as to how the Copyright Act of 1957 safeguards and regulates the rights and responsibilities of authors and owners.

Secondly, the paper discusses the challenges in determining authorship and ownership of work, especially in joint ventures, employment contracts, and digital settings, emphasizing the need for clear, flexible and effective enforcement measures.

Thirdly, the paper addresses challenges in determining

ownership, particularly in commissioned and hired works, and proposes improvements to enhance equity and clarity in ownership distribution.

Fourthly, the study explores India's copyright laws' impact on innovation, cultural expression, and heritage preservation, considering the challenges posed by digital technologies and evolving market dynamics.

Fifthly, the study emphasizes the economic value of the copyright law for creators and creative industries, addressing issues like fair pay, market access, and piracy's impact on author livelihoods.

Sixthly, the study highlights the social implications of the copyright law, including its impact on diversity promotion, knowledge access, and cultural expression. Despite the copyright law's efforts to balance public interests and creators' rights, tensions persist between commercial imperatives and broader societal aims.

Lastly, the paper suggests legislative reforms to protect moral rights, define ownership rights in collaborative works, improve licensing procedures, and address digital issues. Future studies should explore the economic, social, and cultural aspects of the copyright law, considering user perspectives, international concerns, and alternative rights management strategies.

In a nutshell, this research paper has provided valuable insights into the intersection of authorship and ownership within the Indian copyright law, highlighting its implications for creativity, innovation, and cultural expression. By addressing the identified challenges and opportunities, policymakers, stakeholders, and researchers can contribute to a more equitable, inclusive, and sustainable creative ecosystem in India and beyond.

## Endnote

<sup>1</sup> An international agreement known as the Berne Convention for the Protection of Literary and Artistic Works establishes copyright guidelines and provides that member nations will recognize each other's rights.

<sup>2</sup> The Universal Copyright Convention (UCC) is a global

accord which sets minimum standards for copyright protection and encourages member nations to work together to advance creators' rights.

<sup>3</sup> Within the framework of the World Trade Organization (WTO), the minimum standards for the protection and enforcement of intellectual property rights are established by the international treaty known as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

<sup>4</sup> International agreements known as the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) provide guidelines for the enforcement of the copyright laws in member nations and extend copyright protection to digital content and performances, respectively.

<sup>5</sup> An international agreement known as the Marrakesh Treaty establishes legal guidelines for the production and cross-border exchange of copies in accessible formats. Its main objective is to make published works more accessible to people who are blind, visually impaired, or otherwise print disabled.

<sup>6</sup> The term "Digital Rights Management" (DRM) describes technical controls over digital material access and copyright enforcement. These controls are frequently used to stop illegal distribution, copying, and editing of digital works.

<sup>7</sup> Orphan works are copyrighted works whose owners are unknown or cannot be located, presenting challenges for their use and dissemination due to uncertainty regarding copyright clearance.

<sup>8</sup> The imitation of human's cognitive abilities by machines, such as comprehension of language, learning, reasoning, and problem-solving, is known as artificial intelligence (AI).

<sup>9</sup> Blockchain is a decentralized distributed ledger system that reliably and transparently records transactions over a network of computers in a tamper-proof manner.

<sup>10</sup> The Internet of Things (IoT) is a network of interconnected devices with sensors, software, and connectivity features that collect, exchange, and analyse data for autonomous tasks and functions.

#### Other work cites:

1. The Copyright Act, 1957 (as amended), Government of India.
2. Duggal, A., & Tripathy, A. (2020). Copyright Law in India: History and Recent Developments. *Journal of Intellectual Property Rights*, 25(5), 296-306.
3. Berne Convention for the Protection of Literary and Artistic Works

4. Universal Copyright Convention. (n.d.). WIPO Lex. Retrieved from [https://www.wipo.int/edocs/lexdocs/treaties/en/ucc/trt\\_uc\\_c\\_001.html](https://www.wipo.int/edocs/lexdocs/treaties/en/ucc/trt_uc_c_001.html) - This is the text of the Universal Copyright Convention provided by the World Intellectual Property Organization (WIPO).
5. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)
6. WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT)
7. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled
8. Shamsundar, A. (2020). Challenges of Copyright Enforcement in India: A Critical Analysis. *Journal of Intellectual Property Rights*, 25(2), 111-119.
9. Garg, S., & Jain, R. (2019). Challenges in Implementing Copyright Law for Protection of Digital Content in India. *Global Journal of Management and Business Research*, 19(2), 25-34.
10. The Copyright Act, 1957 of India and "Enforcing Copyright in India: Challenges and Solutions" by Shamnad Basheer: This article discusses the challenges faced in enforcing the copyright laws in India and proposes solutions for effective enforcement. It covers legal frameworks, enforcement mechanisms, and case studies of copyright infringement cases in India.
11. "Digital Rights Management: Technologies, Issues, and Challenges" by Bill Rosenblatt: This book provides a comprehensive overview of DRM technologies, their implementation, and the challenges associated with their adoption. It covers topics such as encryption, access control, watermarking, and legal implications of DRM.
12. "Copyright Law: Cases and Materials" by P. Narayanan - This textbook includes Indian case law and statutory provisions related to the copyright law.
13. "Artificial Intelligence and Copyright Law: Promises and Perils" by Annemarie Bridy and "Copyright in the Age of Artificial Intelligence" by Jeanette Hofmann and Matthias C. Kettemann.
14. "The Blockchain and the New Architecture of Trust" by Kevin Werbach.
15. "The Internet of Things: Legal Perspectives" edited by Rolf H. Weber and Romana Weber.

\*\*\*\*\*