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# **THE ETHICS OF PERPETUAL COPYRIGHT: SHOULD INTELLECTUAL PROPERTY EVER BE PERMANENT?**

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## **ABSTRACT**

The purpose of copyright laws is to strike a balance between the public's access to knowledge and culture and the rights of producers. However, there are serious ethical, legal, and financial issues with discussions about extending copyright terms, which might make intellectual property rights permanent. In light of India's Copyright Act, 1957, which presently provides protection for the author's lifetime plus 60 years, this essay explores the idea of perpetual copyright. Critics caution that indefinite copyright limits public access, stifles invention, and favors big businesses over individual authors, despite some arguing that it would preserve an author's legacy and offer ongoing financial incentives. This paper examines global trends in copyright law, including instances from the US and the EU, pertinent court decisions, and the legal underpinnings of copyright length in India. In order to evaluate the effects of everlasting copyright on India's legal system, creativity, and cultural growth, the research compares international copyright frameworks. In order to safeguard both the public interest and authors, alternate strategies are also investigated, such as expanded moral rights and fair use clauses. The results underscore the necessity of a well-balanced copyright framework that protects intellectual property rights and guarantees fair access to artistic creations in a democracy and knowledge-based society.

**Keywords:** Perpetual copyright, creativity, fair access, invention

## INTRODUCTION

The purpose of copyright law is to achieve a balance between promoting authors' original works and making sure that, after copyright protection ends, society still benefits from these works. Copyright gives writers the short-term, sole authority to manage the creation, distribution, and sale of their works. But after the copyright period expires, the work becomes public domain, meaning that anybody can use and access it without restriction. Economic growth, creativity, and cultural development are encouraged by this harmony between accessibility and preservation. The issue of whether copyright protection should ever be forever is a major one in copyright law today. Discussions over the ethical, legal, and economic ramifications of eternal copyright which would provide indefinite protection for intellectual property have been triggered worldwide. Proponents contend that works of art should always belong to their creators and descendants, just like material property.<sup>1</sup> They contend that lifetime financial compensation would encourage ongoing creative and intellectual production while guaranteeing that no one else would mislead, distort, or profit from an author's legacy. Perpetual copyright, according to detractors, runs counter to the core ideas of intellectual property law<sup>2</sup>. The goal of copyright is to create a social compact that strikes a balance between the rights of authors and the public's access to information and culture. Indefinite copyright extensions hinder education, restrict public access, and impede invention. As a result of earlier works becoming public domain, which allowed for reconsideration and creativity, many of the greatest artistic, literary, and scientific breakthroughs in history were made possible. Additionally, critics caution that monopolization and a decline in cross-cultural interaction result from permanent copyright, which largely favors big businesses over individual artists. In accordance with international norms, India's Copyright Act, 1957, currently provides protection for the author's lifetime plus an additional 60 years. However, there are still worries about possible future expansions because corporate lobbying has an impact on copyright laws all around the world. In order to better balance the interests of authors with public access in the digital era, this study investigates the ethical and legal ramifications of eternal copyright in India, looking at alternate strategies such expanded moral rights and fair use clauses.

<sup>1</sup> M. Yuan, Should Small and Large Information Economies Have the Same Duration of Copyright? (2009)

<sup>2</sup> Ashwani Kumar Bansal, Public Interest in Intellectual Property Laws, 55 J. Indian L. Inst. 476, 503 (2013)

## LEGAL FRAMEWORK OF COPYRIGHT IN INDIA

The Copyright Act, 1957, which governs copyright law in India, protects a variety of creative works, such as sound recordings, cinematographic films, and literary, dramatic, musical, and artistic works. Finding a balance between defending authors' rights and guaranteeing public access to information and culture is the main goal of copyright law. India's legal system makes sure that copyrighted content eventually becomes public domain, where the general public can freely access and use it, in contrast to perpetual copyright, which would permit indefinite control over works<sup>3</sup>. The limited-term protection mechanism used by the Indian copyright system means that creative works are made available for unrestricted use after a specific amount of time. However, discussions about further extending the copyright length have been sparked by global influences, international trade agreements, and corporate lobbying. This has raised concerns about whether India would eventually embrace laws that result in a de facto perpetual copyright regime.

## COMPARING INDIA'S COPYRIGHT DURATION WITH GLOBAL STANDARDS

In the United States, Copyright is valid for life plus 70 years for individual authors and 95 years from the date of publication for corporately held works under the Copyright Term Extension Act (1998), also referred to as the Sonny Bono Act.<sup>4</sup> Corporate lobbying, especially from Disney, which aimed to increase protection for icons like Mickey Mouse, had a significant impact on this. European Union: Unlike India, which has a life + 60-year scheme, the EU Copyright Directive requires individual authors to have protection for 70 years. Australia: For individual creators, copyright is valid for life plus 70 years, much like in the US and the EU. Nonetheless, Australia's strong fair dealing laws guarantee more freedom for usage in research and teaching.

A minimum copyright period of life + 50 years is required by the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, to which India is a signatory (WTO). The life + 60 years model from India goes beyond and beyond this minimal need, proving adherence to international intellectual property regulations<sup>5</sup>. Even though India's copyright period is shorter

<sup>3</sup> Upendra Baxi, Copyright Law and Justice in India, 28 J. Indian L. Inst. 497, 540 (1986),

<sup>4</sup> R. Anthony Reese, Copyright Term Extension and the Scope of Congressional Copyright Power: Eldred v. Ashcroft, 7 J. WORLD INTELL. PROP. 5 (January 2004).

<sup>5</sup> Arthur Miller, Copyright Term Extension: Boon for American Creators and the American Economy, 45 J. Copyright Soc'y 319 (1997).

than that of the US and EU, discussions about extending it further have persisted, mostly due to pressure from foreign trade and business interests. India would further postpone the release of creative works into the public domain and possibly limit access to information and cultural items if it were to extend its copyright term to life + 70 years.

In *Eastern Book Company v. D.B. Modak* (2008), The question of originality in copyright protection was addressed in this case. In order to prevent perpetual monopolization of knowledge, the Supreme Court decided that simple mechanical compilations of factual information are not eligible for copyright protection. Because it forbids publishers from asserting copyright over content that ought to be in the public domain and emphasizes the value of limited-term protection, this ruling is noteworthy.<sup>6</sup>

*The Chancellor Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Services* (2016), The issue concerned fair use in education and whether duplicating anything protected by copyright for scholarly purposes was illegal. The Delhi High Court upheld fair use, stressing that copyright laws shouldn't impede research and education. Because it emphasizes the public interest premise in copyright law, this decision is pertinent to discussions over perpetual copyright.<sup>7</sup>

## **THE THREAT OF PERPETUAL COPYRIGHT AND LEGAL CONCERNS**

There are worries that future changes to the Copyright Act may produce indirect everlasting copyright through repeated renewals, even though India now uses a limited-term copyright model. Such modifications would bring up a number of moral and legal issues like Monopolization of Culture, Innovation Barriers, Less Access to Education, Conflict with Indian Constitutional Principles. By guaranteeing that works eventually become public domain, India's copyright law now forbids perpetual copyright. Nonetheless, de facto everlasting copyright may eventually result via legal changes, corporate lobbying, and pressures from international trade. Courts have often stressed that copyright has a time limit and needs to strike a balance between the public interest and economic rights.<sup>8</sup>

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<sup>6</sup> *Eastern Book Company & Ors. v. D.B. Modak & Anr.* AIR 2008 SC 809

<sup>7</sup> *The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Anr.* 233 (2016) DLT 279:

<sup>8</sup> Shamnad Basheer et al., *Exhausting Copyright and Promoting Access to Education: An Empirical Take*, 17 J. Intell. Prop. Rts. 335, 338 (2012).

## ETHICAL PERSPECTIVES ON PERPETUAL COPYRIGHT

### Moral Justifications for Perpetual Copyright

Perpetual copyright proponents make their case from a variety of ethical stances, such as labor theory, natural rights, financial security, and cultural preservation.

#### 1. *Natural Rights and Intellectual Property as Personal Extension*

Natural Rights Theory, which holds that people ought to have total control over the results of their labor, serves as one of the main ethical grounds for perpetual copyright. This argument, which is sometimes linked to John Locke's labor theory of property, maintains that a creator acquires a moral claim on a work when they devote time, effort, and skill to it. Just as landowners have infinite property rights over their land, inventors should enjoy permanent ownership of their intellectual property.<sup>9</sup> Particularly in disciplines like literature, painting, and music, where works frequently contain profound personal expression, copyright is seen as an extension of the creator's personality.

#### 2. *Financial Security for Creators and Their Descendants*

Perpetual copyright is also frequently defended ethically on the grounds that it gives inventors and their families long-term financial stability. This argument is predicated on the notion that: Royalties are a major source of revenue for many musicians, authors, and artists. When a copyright expires, creators and their descendants lose the capacity to make money, which could put them in danger of financial instability. Similar to inheriting tangible property, perpetual copyright guarantees that the creator's work will continue to benefit future generations.

#### 3. *Preventing Cultural Misuse and Exploitation*

Another way to stop cultural exploitation and misappropriation is through perpetual copyright. This is especially pertinent when considering the Indigenous cultural expressions and traditional knowledge, which are frequently exploited for profit without providing benefits to the communities of origin. Colonial histories, in which outside parties have unlawfully used artifacts, literature, and oral traditions. Posthumous alterations are when the original intent of the works of deceased authors and artists is violated by changes, interpretations, or uses.<sup>10</sup>

<sup>9</sup> Centre for Intellectual Property and Information Law, Univ. of Cambridge, Review of the Economic Evidence Relating to an Extension of the Term of Copyright in Sound Recordings (2017)

<sup>10</sup> Upendra Baxi, The Law of Intellectual Property: Copyright Law in India (forthcoming, 1988).

## **Ethical Arguments Against Perpetual Copyright**

Perpetual copyright has certain moral advantages, but its detractors contend that it leads to grave moral conundrums by limiting public access, stifling innovation, encouraging monopolization, and putting corporate profits ahead of the sake of society.<sup>11</sup>

### **1. *Public Access to Knowledge and Creativity***

The effect everlasting copyright has on the general public's access to innovation, culture, and knowledge is among the strongest reasons against it. The foundation of copyright law is the belief that: Works ought to eventually become public domain, granting unrestricted access for study, teaching, creative reinterpretation, and cultural enrichment. The lack of a public domain restricts historical research, artistic expression, and innovation. The free use, adaptation, and dissemination of literary works, creative creations, and scientific discoveries benefits societies.

### **2. *Stifling Creativity and Innovation***

By providing temporary exclusivity, copyright is meant to encourage creation. On the other hand, indefinite protection stifles creation by prohibiting others from: producing derivative works, including remixes, reinterpretations, and adaptations, carrying out film and literary adaptations (such as making movies based on classic novels) and evaluating previous works both artistically and academically.

### **3. *Corporate Monopolization and Restricted Access***

In actuality, companies that own and control intellectual property greatly profit from eternal copyright, not individual creators. A lot of artistic creations eventually pass ownership to major record labels, publishing houses, or media conglomerates. These businesses extend copyright periods in order to keep financial control over profitable properties. Perpetual copyright enables businesses to maintain exclusive power over cultural assets perpetually, rather than compensating original artists. Disney's advocacy for copyright extensions in the US to maintain the exclusive rights to Mickey Mouse and other characters is a well-known example. Despite their historical and cultural importance, this has kept beloved characters and tales out of the public domain.

### **4. *Ethical Concerns Over Knowledge Monopolization***

Concerns over the monopolization of academic research and scientific knowledge are raised by perpetual copyright. The copyright protection of many scientific publications, medical advancements, and technology advancements results in paywalls and

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<sup>11</sup> Jayashree Watal, *Intellectual Property Rights in the WTO and Developing Countries* 295, 300 (Oxford Univ. Press, 2001).

exorbitant fees for accessing scholarly periodicals. Little medical progress since corporate patents continue to impede pharmaceutical development. Limited cooperation because scientists and researchers have trouble accessing the body of existing literature.

## **BALANCING CREATOR RIGHTS AND PUBLIC INTEREST**

Copyright regulations must ethically strike a balance between the demands of society and the rights of creators. A just system should provide inventors with fair financial incentives while guaranteeing public access in the future. Stop corporate monopolization and make sure that no organization keeps cultural knowledge forever.<sup>12</sup> Promote fair use guidelines so that artistic reinterpretation, teaching, and research can flourish. Extending moral rights rather than copyright lifetime could be a compromise. Even when copyright expires, authors can preserve attribution and avoid their creations being distorted thanks to moral rights<sup>13</sup>. This could guarantee public access while addressing moral issues around abuse and deception.

## **MORAL RIGHTS UNDER INDIAN LAW**

In Section 57 of the Indian Copyright Act, 1957, the idea of moral rights is specifically acknowledged, setting them apart from economic rights. Moral rights belong to the inventor even if copyright ownership is transferred or disappears, in contrast to economic rights, which can be transferred or expire after a certain amount of time. By preventing their work from being exploited, misrepresented, or altered in ways that could compromise its integrity, these rights help to safeguard the reputational and personal interests of writers and artists. Two fundamental moral rights are granted by Section 57 of the Act. Even in cases where ownership has been passed to another party or copyright protection has expired, the original creator is guaranteed the right to be recognized as the author of their work by the Right of Paternity (Authorship). By ensuring that creators' contributions are always recognized, this clause guards against incorrect attribution or the erasing of literary and artistic identity.<sup>14</sup>

Indian courts have continuously maintained the importance of moral rights, reaffirming their

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<sup>12</sup> Ida Madieha Abdul Ghani Azmi & Rokiah Alavi, In Search for Support for the Extension of Copyright Term under the Trans-Pacific Partnership Agreement: A Preliminary Study of the Malaysian Music Industry, 16 J. INT'L TRADE L. & POL'y 34 (2017).

<sup>13</sup> J. Griffin, The Economic Impact of Copyright, Public Knowledge (2017)

<sup>14</sup> Anjali Raj, Moral Rights of the Author in Copyright Laws in India: A Paradigm Shift, 4 INDIAN J.L. & LEGAL RSCH. 1 (2022).

function as essential protections for the integrity of literature and the arts. The Delhi High Court held that an artist's moral rights are unalienable in the seminal case of *Amar Nath Sehgal v. Union of India* (2005). The case concerned the Indian government's inappropriate removal and damaging of a mural by famous sculptor Amar Nath Sehgal. The court emphasized that even state acts cannot supersede an artist's right to preserve their creative expression, acknowledging Sehgal's moral right to defend the integrity of his work.<sup>15</sup> Expanding and strengthening moral rights is a more moral and well-rounded strategy than perpetually extending copyright periods. This would allow for the gradual public release of these works while guaranteeing that writers maintain credit and authority over their integrity. Extending moral rights past the conclusion of economic copyright would be a significant improvement. Under the existing system, an author's moral rights are valid during their lifetime but do not extend beyond a certain time frame to include posthumous legal protections.

Strengthening judicial remedies for moral rights abuses is essential, in addition to expanding moral rights. Since most copyright issues center on economic rights breaches rather than the quality of the work itself, moral rights enforcement in India is currently restricted. Establishing particular sanctions for transgressing moral rights and extending legal standing to enable heirs or cultural institutions to preserve an author's legacy are two ways to strengthen judicial processes.<sup>16</sup> In order to resolve moral rights abuses in literature, film, and artistic adaptations, alternative dispute resolution (ADR) procedures could also be implemented.<sup>17</sup>

The fact that authors lose money when their creations become public domain raises further ethical questions regarding copyright expiration. In order to help inventors and their families, a remuneration mechanism might be implemented. Implementing a royalties for public use system, in which public broadcasters, museums, and libraries give authors or their heirs small sums when public domain works are utilized for profit, is one potential strategy. Governments could also, like those in Canada and the UK, provide subsidies to writers, musicians, and artists whose creations have a major cultural impact. By balancing the necessity for public access with just recompense for creative efforts, such approaches would guarantee that creators continue to receive financial support even after their works are made publicly available.

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<sup>15</sup> *Amar Nath Sehgal v. Union of India* 117 (2005) DLT 717.

<sup>16</sup> Stan J. Liebowitz & Stephen Margolis, *Seventeen Famous Economists Weigh in on Copyright: The Role of Theory, Empirics, and Network Effects*, 18 *Harv. J.L. & Tech.* 435, 457 (2005).

<sup>17</sup> Raman Mittal, *Whether Indian Law Allows Parallel Imports of Copyrighted Works: An Investigation*, 55 *J. Indian L. Inst.* 504, 521 (2013)

## COMPARATIVE PERSPECTIVE: MORAL RIGHTS IN OTHER JURISDICTIONS

Given that France has one of the most robust moral rights laws in the world, authors must always be given credit, even after copyright has passed. These unalienable moral rights enable their descendants to uphold them, avoiding deception and safeguarding the integrity of artistic creations. The value of creative integrity has been emphasized over time by the French courts' constant upholding of these rights. Germany offers strong protections against distortion as well, enabling writers to stop any changes that change the work's original meaning. To preserve the integrity of artistic manifestations, legal agents or cultural organizations may uphold these rights even after the death of the author.<sup>18</sup> By extending the duration and extent of moral rights safeguards, India might follow suit, guaranteeing that authors maintain control over the use of their works while permitting the public to access and responsibly build upon them<sup>19</sup>.

Significant problems with perpetual copyright include monopolization, limited access, and the stifling of fresh ideas. Strengthening moral rights is a better moral and well-rounded option than promoting perpetual copyright extensions. Regardless of the copyright status of their work, authors can always be acknowledged for their contributions by guaranteeing creators' permanent attribution through the Right of Paternity. The original aim of literary and creative works would be preserved by the Right of Integrity, which would guard against unapproved changes or false representations. Furthermore, moral rights are upheld even after an author's death when heirs or cultural institutions are permitted to carry on the artist's legacy. Compensation models for public domain works could be created to further balance the interests of artists and the general public. These models would give authors or their families financial support when their works are utilized for commercial purposes. India may create a copyright regime that safeguards artists and the public's access to cultural knowledge and artistic expression by expanding moral rights beyond economic copyright terms. An equitable balance between society advantages and individual acknowledgment would be established by a well-organized moral rights framework, promoting a legal system that benefits both the public and inventors.

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<sup>18</sup> I.P.L. Png & Q.H. Wang, Copyright Law and the Supply of Creative Work: Evidence from the Movies (2009),

<sup>19</sup> UK Intellectual Property Office, Impact Assessment of Proposed Directive to Extend the Term of Copyright Protection for Performers and Sound Recordings, UK Intellectual Property Office (2010).

## WEAK ENFORCEMENT MECHANISMS AGAINST COPYRIGHT EXTENSIONS

The extension of copyright terms beyond their initial boundaries, which is frequently fueled by corporate lobbying and political power, is one of the most urgent issues in modern copyright law. Indefinite or prolonged copyright terms can damage cultural access, stifle innovation, and establish corporate monopolies over creative works, even if the goal of copyright is to give authors financial incentives while eventually enhancing society through the public domain. In accordance with international standards like the Berne Convention and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, India's Copyright Act, 1957, offers a set period of copyright protection. However, as shown in nations like the US and the EU, there is rising fear that corporate interests and external influences may result in gradual term extensions. India lacks a robust enforcement mechanism to counteract such influence, in contrast to states that have put checks and balances in place to avoid needless copyright extensions. Future copyright extensions run the possibility of being approved without sufficient public engagement or judicial review in the absence of strong legal protections.

Experiences around the world demonstrate how corporate lobbying affects copyright extensions. One well-known example is the United States' Sonny Bono Copyright Term Extension Act (CTEA) of 1998, also known as the "Mickey Mouse Protection Act." For individual authors, this law increased copyright protection from life plus 50 years to life plus 70 years, and for corporately held works, it increased it from 75 to 95 years.<sup>20</sup> Corporate lobbying, especially from The Walt Disney Company, which aimed to maintain sole control over its profitable properties, including Mickey Mouse, was the main force behind this extension<sup>21</sup>. Critics contend that by postponing the release of cultural works into the public domain and limiting access to creativity and information, the extension primarily benefited corporations rather than individual producers. Similarly, in response to demand from the recording industry, Directive 2011/77/EU in the European Union increased the duration of copyright protection for sound recordings from 50 to 70 years. In actuality, the extension mostly benefited record labels because the majority of musicians had already transferred their rights to corporate entities, despite supporters' claims that it was required to safeguard artists'

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<sup>20</sup> Hank Brown & David Miller, Copyright Term Extension: Sapping American Creativity, 44 J. COPYRIGHT SOC'y U.S.A. 94 (Winter 1996).

<sup>21</sup> Christina N. Gifford, The Sonny Bono Copyright Term Extension Act, 30 U. MEM. L. REV. 363 (Winter 2000)

financial interests<sup>22</sup>.

Currently, India's copyright law protects literary, musical, dramatic, and artistic works for as long as the author lives plus 60 years, and cinematographic films, sound recordings, and government works for as long as 60 years after publication. Even while these periods are fairly balanced, there is an increasing chance that entertainment conglomerates and global firms will put pressure on the Indian government to substantially prolong copyright terms. India may have to deal with the monopolization of cultural works by big businesses, the delayed release of Indian music, movies, and literature into the public sphere, and judicial precedents that prioritize corporate rights over public access if copyright extensions are given without protections. In the absence of robust legal safeguards to control copyright renewals, Similar to the US and EU, corporate interests may take precedence over the general welfare in India.

The absence of judicial review of modifications to copyright duration is one of the main legal flaws in India's copyright system. Copyright term extensions can be enacted without necessary court review, unlike constitutional matters, tax laws, or environmental rules. This makes it simpler for corporate interests to press for favorable revisions. Legislators can alter copyright terms through executive orders or policy changes without open review procedures, and the government is not required to demonstrate that an extension benefits the public interest. Furthermore, extensions cannot be proactively blocked by courts unless they are contested in court, which can be expensive and time-consuming. Strong legislative safeguards are also absent from India's copyright policy making process because major changes, such as term extensions, are approved without mandated public engagement. Because of this, decisions are made in an opaque manner, and copyright rules may be changed without enough discussion or participation from stakeholders. A lack of different viewpoints in decision-making is further caused by India's absence of formal public consultation procedures that enable academics, libraries, creative professionals, and digital rights organizations to engage in copyright regulation, strengthen legislative supervision. Instead of letting executive policy decisions dictate copyright law, Parliament should impose more stringent review procedures prior to authorizing any modifications to the copyright duration, guarantee public disclosure of lobbying efforts by corporations seeking term extensions, and require multiple rounds of

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<sup>22</sup> Dennis S. Karjala, Judicial Review of Copyright Term Extension Legislation, 36 LOY. L.A. L. REV. 199 (Fall 2002).

legislative approval.<sup>23</sup> Policymakers would have to reevaluate the effects of copyright extensions and decide if they are still in the public interest over time in order to use this method.<sup>24</sup>

The World Trade Organization's (WTO) Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement establishes the minimal requirements for copyright and other forms of intellectual property protection. The period of copyright protection for literary and creative works must be at least the author's lifetime plus fifty years, according to Article 12 of TRIPS. Countries are permitted to offer lengthier protection periods in accordance with their national rules, even though TRIPS sets a minimum threshold. The copyright term of life plus 60 years is now provided by India's Copyright Act, 1957, which goes beyond the TRIPS minimum requirement<sup>25</sup>. There have been arguments over whether India should shorten its copyright term to life plus 50 years in order to better conform to TRIPS rules and avoid needless extensions that prioritize corporate interests above public access, given the global debates surrounding the limitation of excessive copyright terms. However, there are a number of legal, financial, and global commerce issues with shortening the copyright period. This section examines the legal difficulties of bringing Indian copyright law into compliance with its international commitments under WTO agreements, the possible economic effects of such a shift, and whether TRIPS permits India to shorten its copyright term. Although TRIPS requires a minimum copyright term of life plus fifty years, it does not forbid nations from shortening their terms to this level. Because of the agreement's policy flexibility, member countries can modify their copyright regulations to strike a balance between the rights of authors and the general welfare. However, there are worries that the bilateral and multilateral trade agreements India has signed with other countries may make the reduction of the copyright term from life plus 60 years to life plus 50 years vulnerable. The overall economic impact would probably help the public domain and cultural growth by striking a better balance between private incentives and public access, notwithstanding the opposition of large corporations and content owners.<sup>26</sup>

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<sup>23</sup> E. Rappaport, Copyright Term Extension: Estimating the Economic Values, Congressional Research Service (May 11, 1998)

<sup>24</sup> John Schulman, International Copyright in the United States: A Critical Analysis, 19 Law & Contemp. Probs. 141, 155 (1954)

<sup>25</sup> David Touve, Innovation at the Edge: Making Sense of Opportunity at the Boundary of Technology and Copyright (June 2012)

<sup>26</sup> Abraham Drassinower, Taking User Rights Seriously, in *In the Public Interest: The Future of Canadian Copyright Law* 467, 472 (Michael Geist ed., 2005).

## LEGAL CHALLENGES AND HARMONIZATION WITH INTERNATIONAL OBLIGATIONS

The United States and the European Union, two of India's most powerful trading partners, may exert pressure on India through trade negotiations or WTO proceedings if it shortens its copyright term. For instance, the U.S. has continuously pushed for longer copyright terms in its bilateral and regional trade agreements, such as the United States-Mexico-Canada Agreement (USMCA), which enforces a life plus 70 years copyright term. If India shortens its term, it may face trade barriers or retaliatory measures from countries with strong copyright lobbies, especially in the publishing, music, and film industries.<sup>27</sup> India needs to make it clear that a life plus 50-year term is legally acceptable under TRIPS in order to maintain compliance with international commitments and advance fair copyright laws. In order to avoid excessive pressure from other countries looking to impose longer copyright terms, it should also participate in WTO negotiations. Instead than extending copyright monopolies, domestic legal reforms could support creators through alternate types of compensation, such government subsidies or broader moral rights. In order to resolve this matter, India should assess the financial effects of shortening the copyright period, work with global parties to avoid trade disputes, and fortify its own copyright laws to guarantee that authors maintain their financial and ethical rights protections even after copyright expires. India can ensure compliance with TRIPS and WTO obligations while aligning its copyright laws with international best practices by adopting a strategic strategy.

### CONCLUSION

There are serious moral, legal, and financial issues with the everlasting copyright controversy. Extending copyright protection indefinitely runs the risk of limiting public access to knowledge and inhibiting innovation, even though copyright laws are intended to reward artists and encourage creativity. Excessive copyright clauses, however, lead to monopolies that frequently favor businesses over individual artists. Therefore, striking a balance between defending the rights of authors and guaranteeing that creative works are accessible to a wider audience is crucial. India has thus far opposed the drive for eternal copyright, in contrast to other nations where corporate lobbying has led to numerous copyright renewals. This position is still being contested, nevertheless, by persistent pressures from the global economy and changing digital

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<sup>27</sup> Ruth Towse, *The Quest for Evidence on the Economic Effects of Copyright Law*, 37 *Cambridge J. Econ.* 1187, 1202 (2013).

environments. There is growing fear that further extension of copyright periods could limit access to information and cultural works by establishing a de facto everlasting copyright system. A more sustainable and balanced strategy to copyright protection is needed to address these issues. India should prioritize enhancing moral rights, extending fair use clauses, and putting in place legislative protections against capricious copyright extensions rather than perpetually extending the copyright period. By strengthening moral rights under Section 57 of the Indian Copyright Act, 1957, authors will be able to keep their reputations and stop their works from being misused even after copyright has expired. In the case of copyright renewals, enforcing more stringent parliamentary and judicial oversight would also stop excessive corporate influence on legislation. This balance is not met by perpetual copyright since it stifles innovation, stunts the expansion of the public domain, and favors corporations at the expense of others. India should implement a progressive copyright policy that upholds authorial rights without establishing legal monopolies in place of unlimited renewals. India can create a copyright system that benefits the public and economy by guaranteeing a well-organized legal framework that includes moral rights enhancement, fair use expansion, and stringent control on copyright term extensions. By doing this, the nation can safeguard intellectual property while encouraging innovation, information exchange, and cultural development for next generations.

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