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IDEA-EXPRESSION DICHOTOMY: A CORNERSTONE OF COPYRIGHT LAW

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Abstract:

*A key part of copyright law is the concept of **"idea-expression dichotomy**". When people talk about ideas, they mean mind images or concepts. Most people think of thinking as changing ideas, which means it involves words. What kinds of things can be protected in a movie plot? And how will the right people rate it? So, the difference between thought and expression is like a tricky sliding scale in India. In order to understand India's position about the laws of the USA and UK, this study was done.*

The research paper will follow a doctrinal mode of research. The main objective of this research paper is to look at the different rules on Idea-Expression Dichotomy in different countries. This paper starts with how the idea-expression dichotomy doctrine has changed over time. It then shows how it is used in American, English, and Indian courts, talking about how Indian judiciary has approached and use these foreign cases in order to resolve the infringement cases. Further the paper also discusses about some exceptions to this rule, like the "doctrine of merger and scenes a faire", with a major focus on how these doctrines are used in India. This idea hasn't quite hit the level of abstraction that is needed in developing countries like India, and it hasn't been used very much in that setting. Lastly, the researcher also discusses how complicated this principle is and how the court of law should fix the problems by suggesting specific ways to make policies and put them into action.

Keywords: Originality, Copyright, Idea, expression, Dichotomy, Creativity, Merger, Scenes a Faire

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1. INTRODUCTION

The creator of an original work of authorship, such as a literary work, song, movie, or piece of software, is automatically granted all of the rights that fall within the copyright when the work is created. The owner of the copyright has the legal right to reproduce the work, as well as the right to make derivative works, distribute copies of the work, perform the work publicly, and exhibit it in public. This also signifies that the owner has full control over the means and methods through which the general public can access the work. The primary objective of copyright is to incentivize creators to continue their innovative work by providing them with a system of property rights that guarantees them fair recompense in exchange for providing access to their works that may be appreciated by the general population. [1]

1.1 Meaning of Copyright

Indian law gives copyright protections to authors who have original works for example, works of literature including *"computer programs, tables, collections, computer datasets, expressed in words, codes, schemes, dramatic, musical, and artistic works, films, and audio recordings".* Under *"Section 13 of the Copyright Act",*[2] works of literature, theatre, music, art, "cinematographic films, and sound recordings" are protected by copyright. For example, the Act protects things like books and computer programs that are written.

Section 14 of the Act[3] gives the copyright owner rights that no one else can use. These rights can only be used by the copyright owner or by someone else with the owner's permission to do so. These rights include the right to copy, publish, translate, and talk to the public. Copyright registration doesn't give the work any rights; all it does is add it to the Copyright Register, which the Registrar of Copyrights keeps with him.[4]

1.2 Nature of Copyright

Copyright is a property that doesn't have a physical form. The work belongs to the rightful owner because they made it or made it better. The owner has two ways to get rid of his property: sell it outright or grant a license. Copyright is also a set of rights that no one else can have. One person can only use works protected by copyright for a specific time. Copyright only lasts for

[1] Shristi Choudhary, 'Copyright Law in India: An Analysis of the Copyright Act, 1957' (2024) SSRN <https://ssrn.com/abstract=4694983>
[2] The Copyright Act, 1957, s. 13
[3] The Copyright Act, 1957, s. 14
[4] Avtar Singh, *Intellectual Property Rights* (7th edn., Eastern Book Company, 2017) 35

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a certain amount of time, unlike physical property, which stays with the thing it was given to until it dies. The work is in the "public domain" after this time has passed. In other words, it belongs to the public and can be used by anyone without any restrictions. Hence, having *"exclusive rights"* to copy-protected works for a short time is in the public's best interest.[5]

2. REVIEW OF LITERARURE

2.1 Books

- ***"Avtar Singh, Intellectual Property Rights".***[6] The author discusses about how intellectual property rights are recognized and what laws are in place to protect them. From this book, the researcher will analyze the recognition of copyright laws in the digital world. Also, the pros and cons in the present scenario.
- ***"Dr. M.K Bhandari, Laws Relating to Intellectual Property Rights".***[7] The author talks about "GATTS, WTO, and other agreements like TRIPS, TRIMS," etc., and how they have been used to govern IPRs today. The researcher will look at how the copyright is being changed by digitalization. As information has grown, artists have found new ways to show their creativity. These new ways are all protected by copyright laws.
- ***"Dr. B.L Wal Dehra, Law Relating to Intellectual Property".***[8] The author explains what intellectual property rights are and what rights people have for different kinds of intellectual property. Also, the author shows how a person's intellectual property rights are broken and how the law deals with these situations. According to this finding, the Indian Copyright Act still has an issue that have not been resolved to anyone satisfaction. It is now much simpler to generate new works of art and literature because to the widespread availability of the Internet. The information can be transmitted from the creator to the viewer and then from the viewer to the viewer, creative types such as authors and artists can use the internet to get the word out about their work. On the other hand, technology makes it possible for any of these viewers to quickly and easily alter, change, or share an original work created by an author.

[5] Saurabh Bindal, *Intellectual Property Law: An Introduction* (6th edn.,, Eastern Book Company, 2021) 997
[6] Avtar Singh, *Intellectual Property Rights* (12th edn., Eastern Book Company, 2019) 742
[7] Dr. M.K Bhandari, *Laws relating to Intellectual Property Rights* (9th edn., Lexis Nexis, 2020) 789
[8] Dr. B.L Wadera, *Laws relating to Intellectual Property Rights* (5th edn., Universal Publications, 2016) 993

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2.2 Articles

- ***Irania Atanasova,*** paper titled, ***"Copyright Infringement in Digital Environment"***[9]. The author discusses about the possibility of copyright laws in the new technological world. He looks at the new generation by creating an environment where things happen quickly and unexpectedly. He also sets up a legal delay and legal ambiguity that has a big effect on copyright law.
- ***Kai Tumbraegel and Roux de Villiers,*** paper titled, ***"Copyright Protection for the Non-Literal Elements of a Computer Program".***[10] The author discusses about the possibility of copyright regulation in the new high-tech world. He checks out the newest gadgets. He creates uncertainty and delays in the law by making things change quickly and without notice. One of the worst things about software is that it can be copied in ways that aren't the same as the software. They look at both the literal and the non-literal parts of each computer programme. The researcher in this study will examine all the pros and cons for computer programme and software protection with the current existing legal framework in India.
- ***Vaishali Sharma***, paper titled, ***"An Analytical study of relevancy of Idea-Expression Dichotomy under copyright law".***[11] The author discusses about how the idea-expression dichotomy acknowledges that multiple individuals may possess identical ideas, yet there might be distinct modes of presentation. Consequently, affording protection to an idea, fundamentally a thought, may significantly impede creativity.
- ***Tanvi Tewari***, paper titled, ***"The Idea-Expression Dichotomy: Does this Dichotomy really exist?"***[12] In this study, the author begins by delineating the evolution of the idea-expression dichotomy theory and subsequently demonstrates its application in American, English, and Indian legal systems, emphasizing the adoption of foreign laws by Indian courts in adjudicating infringement cases. The study outlines various exceptions to this principle, including the idea of Merger and Scenes a Faire, with a particular focus on their implementation in India.

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[9] Irania Atanasova, 'Copyright Infringement in Digital Environment' (2029) <https://ideas.repec.org/a/neo/ecolaw/v1y2019i1p13-22.html>

[10] Kai Tumbraegel & Roux de Villiers 'Copyright Protection for the Non-Literal Elements of a Computer Program' (200$) 3 International Journal of multi-disciplinary Educational Research 41

[11] Vaishali Sharma, 'An Analytical study of relevancy of Idea-Expression Dichotomy under copyright law' (2023) 9 Journal of Legal Studies and Research 34, 39

[12] Tanvi Tewari, 'The Idea-Expression Dichotomy: Does this Dichotomy really exist?' (2020) 2 NLUA Journal of Intellectual Property Rights 113, 115

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2.3 Judicial Pronouncements

- In "***Humans of Bombay Stories Pvt Ltd v POI Social Media Pvt Ltd and Anr",***[13] where conflicts arose between two social media platforms concerning copyright infringements related to online content. In the current instance, it was reaffirmed that no monopoly can be established over the concept of a storytelling platform. Nonetheless, such a platform may assert copyright protection for its distinctive manner of communication and content dissemination. The Court determined that if an individual submits photographs and films to several platforms, no copyright claim would be conferred to any platform unless the materials were solely commissioned or there was a contrary arrangement. Consequently, both Humans of Bombay and People of India were prohibited from utilizing any copyrighted material belonging to the other, and the lawsuit was resolved by mutual consent of the parties.
- The cases "***Eastern Book Company v D. B. Modak"***,[14] and "***R. G. Anand v. M/S Delux Films",***[15] the court observes that the form, manner, arrangement, and expression of the author's work, the court makes the observation that the copyright does not extend to ideas, subjects, themes, stories, or historical or legendary facts. In these circumstances, the infringement of copyright is restricted to the form, manner, assembly, and expression of the author's work.

3. STATEMENT OF PROBLEM

It is said that not all concepts can be articulated creatively. Certain concepts can frequently be articulated in only a specific manner. In this scenario, copyright of the expression would equate to copyrighting the idea, so impeding the free exchange of ideas. In instances where expression is essential for conveying an idea, courts invoke the Merger Doctrine to determine that no copyright exists. It primarily aims to delineate the intersection of ideas and expressions.

The researcher in this paper has found the following issues-

- The Act needs a clear definition of ideas, expression and dichotomy.
- There needs to be proper enforcement of copyright laws.
- There needs to be a special forum to look into situations where copyright laws are infringed in the area of ideas-expression dichotomy.

[13] MANU/ DE/6996/2023
[14] [2007] 13 Addl SCR 182
[15] [1978] 4 SCC 118

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- The Judiciary should enforce copyright laws and give clarity between ideas and expression.

4. RESEARCH OBJECTIVES

- To analyze the interconnection between ideas, expression and dichotomy.
- To analyze international perspective of ideas-expression dichotomy under copyright law.
- To examine the laws that are governing in India and how the Indian judiciary has taken its approach.
- To analyze the exceptions and the loopholes in the Indian laws to prevent copyright infringement.
- To make suggestions on idea expression dichotomy.

5. RESEARCH METHODOLOGY

The researcher has followed the mode of the doctrinal research. The researcher has reviewed both primary and secondary sources to conclude the study. To achieve the aim of the study, the researcher has analyzed various statutes of copyright and IT laws and relied upon books, newspapers, articles, journals, judgments and other sources. Also, the researcher has used a variety of internet websites, including SCC online, Law octopus, and Manupatra, to support the cases. The researcher has also relied upon the decisions of the Supreme Court to have concrete proposals for improving the provisions in the Indian scenario, which have been thoroughly analyzed.

6. THE CONCEPT OF IDEAS AND EXPRESSION

6.1 Meaning of Ideas under Copyright

People talk about, argue about, and think about ideas as mental images, forms, representations, or pictures. As a result, expressions are always a part of thinking because it is usually seen or noticed as manipulating ideas or concepts. When it comes to this talk, the word "ideas" is more controversial. Not only is it hard to agree on broad meanings, but it's also not clear what ideas mean in terms of copyright. It is difficult to explain the word in a single line because it can mean a lot of different things. Some general dictionaries say that an idea is a thought or a

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concept of the mind that comes from mental activity, understanding, or knowledge.[16]

Thus, the ideas can be thought of as processes of the author's mind when it comes to copyright. It's also possible to think of ideas as external objects, which means something that wasn't necessarily suggested by the author but rather something that the reader came to their conclusion about.[17]

6.2 Meaning of Expression under Copyright

The "expression" is the act or instance of putting something into words, whether it's a word, sentence, or form of words; the way something is put into words; wording; phrasing; or the way an idea is broken down into words. While Indian law doesn't give a clear definition of the word "expression," it is generally based on copyright laws which states that a work must be expressed in some way, as explained in Section 13 of the Act.[18] Thus, this means that when an author puts his or her thoughts or ideas from the "mind" into a certain form, like writing, picture, recording, etc., this is considered an expression under copyright law.[19]

6.3 Meaning of Dichotomy under Copyright

The copyright includes original works of literature, art, music, and theatre. It is important to remember that the protection only covers speech and not ideas. Dichotomy means "difference" in English. This means that the idea-expression conflict is about the idea and the expression. An idea is something that can't be seen. It's the way it's expressed that gives it a real shape and makes it protected. [20]

A lot of artists might have the same idea for a picture. But what makes a difference is how they present themselves, or how they turn their ideas into something real. To put it simply, the artist who paints the picture first will be able to claim ownership of their work, which in this case is the painting. It's possible that other artists had the same idea before you, but as it is discussed about, the concept remains unprotected by law, and only those who articulate it will provide it with legal safeguarding. Similarly, computer programs are regarded as literary works. A

[16] Anuttama Ghose, 'The Principle of Idea-Expression Dichotomy in Copyright Laws: Legal scenario in India compared to the Laws of USA and UK', (2023) SSRN <https://ssrn.com/abstract=3722548>
[17] *Id.* at 14
[18] The Copyright Act, 1957, s. 13
[19] *Id.* at 16
[20] K P Abhinava Sankar, 'The idea-expression dichotomy: Indianizing an international debate' (2008) 3 JICLT 56, 67

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generic concept cannot be safeguarded by copyright; nevertheless, when that concept is expressed through visual representations, written content, or other perceivable mediums, it becomes eligible for protection. Individuals exert effort, it can be safeguarded, and instances of violation can be pursued. In some instances, an individual appropriates the manner of expression of a concept, rather than the idea itself.[21]

7. HISTORY AND BACKGROUND

The dichotomy was originally mentioned in ***Baker v. Seldeni***,[22] wherein the US Supreme Court established that the author of a treatise describing a unique book-keeping method cannot claim exclusive property under copyright laws. In the judgment, the distinction between copyright and letters patent is discussed.

7.1 Book-Keeping Hypothesis

In ***Baker v. Selden***,[23] the decision addressed whether a book explaining an accounting system can be used to claim exclusivity under copyright law. The Court noted that a book describing the construction of a plough, watch, or churn cannot claim exclusive rights to the art or industry detailed in the book. The uniqueness of the work or thing described does not affect the copyright validity. The grant of exclusive property rights to the book author without an official review of its innovation would be a surprise and fraud to the public.

The Court clarified that exclusivity falls under the letter of patent, not copyright. The first mention of the difference between the two notions and the idea that copyright only protects the expression of an idea, not the idea itself, is established here.[24]

7.2 International Perspective

In ***Hollinrake v. Truswellii,***[25] established the principle of distinguishing expressions from ideas, granting copyright protection only to expressions. The lawsuit involved Mr. Hollinrake claiming copyright for a cardboard sleeve-measuring apparatus. Users may accurately create sleeves of any size by following instructions and utilizing scales printed on the gadget. Copyright could exist in a "book or sheet of letterpress" or "map, chart or plan" under the

[21] *supra* note 1 at 14
[22] [1879] 101 U.S. 99
[23] *Id.* at 20
[24] *supra* note 2 at 20
[25] [1894] 3 Ch 420

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Copyright Act, of 1842.

In "***Exxon Corporation v Exxon Insurance Consultants International Limited",***[26] Davey LJ asserted that literary works aim to provide information, instruction, or literary enjoyment, not to advance human knowledge or provide instruction through description or otherwise. According to Davey LJ, the objective of the book was not to provide information or entertainment but rather to teach dressmaking.

Moreover, the Court determined that copyright safeguards creations that engage the human intellect, rather than merely functional tools for production. The case pertained to a literary work that detailed a cardboard pattern, featuring scales, numbers, and spoken directions for its adaptation of various dimensions, which cannot function as an instrument or tool. The term 'Exxon' was determined not to constitute a literary work eligible for copyright protection, notwithstanding evidence of its origin and the effort involved in its creation and selection. The music, designed for commercial purposes, did not correspond with its textual aim of captivating the human intellect.[27]

Thus, Hollinrake Supra and Exxon Supra together support the concept by inferring whether the copyrighted subject matter is an idea or an enactment or expression of the idea. Unfortunately, neither subject matter passed the test to establish itself as an expression. In one case, a technical guidebook was deemed patentable, while in the other, a corporate name with an objective outside of literary works was deemed unsuitable for expression and merely an idea.[28]

7.3 Reporters have writing rights.

In ***Walter v. Laneiv***,[29] in this case the shorthand notes were taken by reporters from The Times newspaper during speeches given by the Earl of Rosebery, a renowned politician who had previously served as Prime Minister of the United Kingdom. After that, they transcribed the notes, adding punctuation, making mistakes, and making adjustments in order to generate an exact account of the speech. This collection of lectures was published in the Times Newspaper while Arthur Fraser Walter was the proprietor of the publication. A significant portion of Lord Rosebery's talks, which were subsequently published in Appreciations and Addresses, were

[26] [1982] 4 Ch 119
[27] *Id.* at 24
[28] *Id.* at 24
[29] [1900] 69 LJ Ch 699

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derived from those that were reported in the Times Newspaper.

The court deliberated on whether or not the reporters who reported on these talks should be deemed writers in accordance with the Copyright Act. The court came to the conclusion that even if the reporters did not grasp the idea behind the talks, they did put in the effort to transcribe them, which needed intellectual talent and mental labor. It is widely acknowledged that this decision marked a significant turning point in the development of the idea of originality in English Copyright Law prior to the addition of the word "originality" to the Act.

7.4 Copyright does not protect ideas.

In "***L.B. Plastics v Swish Products Ltd"***,[30] the distinction was confirmed in the context of plastic knock-down drawer drawings. It was a furniture component provided unassembled, typically assembled by the buyer and dismantled if desired. The defendants copied the drawers from 2D plans, but the drawers were 3D.

The House of Lords ruled that an idea and its expression are inseparable. Despite not copying the plaintiff's work, the defendant was found liable for copyright infringement under "Section 9(8) of the Copyright Act", which states that making a three-dimensional object is not considered copyright. To infringe copyright in a two-dimensional artistic creation, the object must not look like a reproduction to non-experts.[31] Thus, an idea is not copyrighted, the defendant copied speech details. Lord Wilberforce ruled that a mere notion does not grant copyright, hence the appellants cannot file a complaint if the defendant took their idea of external latching or other embedded ideas.

8. AN ANALYSIS STATUS OF THE INDIAN JUDICIARY ON IDEAS AND EXPRESSION

In "***R.G. Anand v. Deluxe Films"***,[32] which brought the subject of free speech to the public's attention. The plaintiff, a part-time writer and stage play producer, said that the defendant, a filmmaker, stole important parts of his play to use in a movie version. He claimed that this was an infringement of his copyright. The respondent said that the shared theme wasn't just in the plaintiff's work but in many works. The Supreme Court came up with the following rules to

[30] [1979] R.P.C 551
[31] *Id.* at 28
[32] AIR 1978 SC 613

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settle the case after carefully looking at all the important authorities and past cases:
Ideas, themes, stories, and facts are not protected by copyright law; what is protected is how the author expresses these things. Even if two works have similar ideas, they are still infringing on each other if they copy large amounts of expression. Copyright is breached if the defendant's work looks a lot like the original and only has small differences.

Further, there is no infringement when a shared idea is presented in a new way that makes a new work. There was no purpose to copy because the works are different and have some similarities that happened by chance. To prove copyright infringement, you need clear, convincing proof that meets certain legal standards.

It is difficult to prove that a film producer or director violated the copyright of a stage play because movies are more general and can be shown in many ways. Regardless, infringement can be proven if viewers notice major copying from the original play. The Court found that while both the play and the movie dealt with the theme of provincialism, the movie did so in a clearer way. There were some clear connections between the two works, but there were also some big differences that showed no attempt to copy the original content as there was no violation of copyright in this case.[33]

In the case of "***R. Madhavan v. S.K. Nair"***,[34] the court decided that there was a clear lack of similarity or resemblance between the themes, scenes, and events in the movie and the book. Most of the important events, settings, and scenes in the movie were very different from those in the plaintiff's book. The court decided that there was a clear lack of resemblance between the movie and the book in terms of plot, scenes, and situations. There were big differences between what happened in the movie and what the plaintiff wrote in his book in terms of events, settings, and scenes.

In the case of "***Anil Gupta v. Kunal Dasgupta"***,[35] the Delhi High Court looked at the difference between thought and expression. The plaintiff talked to the defendant about making their idea for a reality TV show about matching people up air on TV. The person who complained said that the defendant had stolen his idea and filed a case for copyright infringement. When it came

[33] *Id.* at 30
[34] AIR 1988 KER 39
[35] (2002) 25 PTC 1

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to the idea itself, the suspect said that copyright could only protect the words.

The Court agreed, saying that copyright doesn't just cover thoughts. But it also said that even if the idea in question is just an idea, it can be protected by copyright if it's new and different. The idea-expression dichotomy has been looked at more in decision reporting lately, especially in the 2008 Supreme Court case Eastern Book Company and Ors. v. D.B. Modak.

In "***Bikramjeet Singh Bhullar v. Yash Raj Films Private Limited & Ors.",*** Bikramjeet Singh Bhullar asked the Delhi High Court to temporarily stop streaming and broadcasting the movie "Shamshera." He did this because he said the movie violated the rights to his script. The court declined the request. The court said that ideas and themes cannot be protected by copyright. They also made it clear that this statement does not change the current trial or the final decision in Bhullar's copyright infringement case on its own. As for this case, the court said, "The ideas in the plaintiff's script do not qualify for copyright protection, especially when they are common or stock elements." When the plot and the disputed film are put next to each other, they don't seem to be very similar. There is no doubt about how important it is to acknowledge the work of writers. However, the plaintiff has not made a strong case of copyright infringement. As a result, the defendants can continue to show the picture on OTT platforms without being stopped.[36]

The court observed that the film's producers, including Yash Raj Films Private Limited, to show how much money they are making from showing the movie on TV. Judge Singh said that Bollywood movies often have themes like father-son relationships with similar looks, children, birds, hot oil, horses, underground caves, and so on. If the plaintiff's claim were granted, it would mean that they had exclusive rights to their ideas, which goes against what the Supreme Court said in the RG Deluxe case.[37]

The court also made it clear that the differences between the script and the movie are more important than the supposed parallels. The suspects said that comparing settings in North India alone is not enough to be considered copyright infringement. The court also said that these thoughts and phrases are not original and, according to previous decisions, are often used by fiction writers. They are also called doctrine of "Scènes à faire", which do not require copyright

[36] CS (COMM) 438/2022
[37] *supra* note 3 at 30

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protection.[38]

The idea-expression paradox is one of the main ideas behind copyright. It shows the difference between protecting ideas and letting people say what those ideas are. In important court cases like *"R.G. Anand v. Deluxe Films and later ones like Bikramjeet Singh Bhullar v. Yash Raj Films Private Limited &Ors"*, courts have stressed how important this difference is when deciding copyright infringement cases.[39]

9. EXCEPTIONS

9.1 Doctrine of Merger.

Copyright law says that facts and ideas can't be protected by copyright. The law only rewards creative and unique ways of expressing facts and ideas by giving the person who did so the right to use that expression entirely for a certain amount of time. But sometimes, when the thought and the expression are the same, the courts use the Doctrine of Merger. This principle says that copyright cannot be given when the *"idea and the expression"* are linked and the expression cannot be said apart from the idea. This means that if an idea and a statement are so closely linked that the idea itself can be protected by copyright, it would stop people from being creative, which is what copyright law is supposed to do.[40]

According to the theory of merger, there is only one way to say certain things. When this happens, the idea and the expression often become the same thing, and the expression can't be protected by copyright.[41]

9.2 Scenes to Faire

'Scènes à faire' means 'obligatory scene'. This doctrine acknowledges that genres have inherent elements.[42] Therefore, any work in that genre must have those elements. Such presence does not constitute copyright infringement. The U.S. case ***Cain v. Universal Pictures***,[43] this theory was established. This case held that similarities and incidental qualities vital to the

[38] Steven Ang, 'The idea-expression dichotomy and Merger doctrine in the copyright laws of the U.S. & U.K', (2000) 114 IJ.L 43, 78
[39] *Id.* at 36
[40] Tejaswini Patri, 'The relevance and evolution of the idea-expression dichotomy under copyright law' (2024) 12 IJCRT 143, 145
[41] *Id.* at 38
[42] *supra* note 4 at 36
[43] [1942] 47 F. Supp. 1013

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ambiance and spirit of any creative work or activity are not copyrightable for originality.

10.CONCLUSION AND SUGGESTIONS

In conclusion, Copyright laws provide creators of original works, such as authors, musicians, and artists, with the exclusive right to reproduce their work to foster creative output. Copyright law is concerned with the author's production of their creative works as well as the preservation of those works. This is its primary focus. The author retains the right for a predetermined amount of time after publication. The concept of copyright is predicated on the notion that creative endeavors ought to be recognized and compensated, and that authors who generate creative works ought to be able to make a living off of their talents. Copyright strikes a balance between the interests of society as a whole in fully participating in mankind's scientific and cultural progress.

Several high courts have made it clear that no thoughts can be protected until they are expressed in some way. Moreover, looking at how the Indian Judiciary has approached about how the Idea Expression Dichotomy has worked, it has not been a negative one. The courts have been able to define division, but they have shown that they are inconsistent with how they use it.

According to the above analysis of the research paper, Indian courts have been able to protect the part of an idea that has already been said. Now that we are in the 20th century, however, we can't ignore the need for unspoken ideas to have a good chance of being protected. Just like illegally downloading, streaming, and streaming software are killing big record stores in India, there's no promise that unspoken ideas aren't being stolen and used without permission from the people who came up with them. Thus, the researcher believes that Indian courts still have a long way to go before they can find a balance between protecting originality in literary works for both ideas and forms, not just one or the other.

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