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ANALYZING MORAL RIGHTS IN THE LIGHT OF INDIAN COPYRIGHT LAW

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ABSTRACT

Property since very beginning of the mankind is the essential subject matter for protection. It is the most valuable assets of the human being. The word property is derived from Latin term “proprius” which means “one’s own” and “which cannot be shared with others”. Property can be classified into two types, either tangible or intangible i.e., Tangible properties are the one which can be seen or can be touched like car, land, and soon. Apart from the tangible one the intangible properties cannot be touched. Intellectual Property Right is the kind of Intellectual Property. This type of property is the most precious or the valuable asset.

Intellectual Property Rights are considered to be the most precious rights of the mankind the reason behind such is that Intellectual property rights are types of rights which a person get over creation of his own mind. When a idea comes into a person mind it cannot be protected but when the person creates something with that idea that creation hence implies to be the persons own. And the mind and labour of the person makes that creation unique and that uniqueness in the creation is protected by providing the person the Intellectual Property Rights over the creation. The term ‘Intellectual Property’ specified legal term for the property resulting from intellect of a person likewise patent, copyright material, trademark, etc. The two branches of Intellectual Property are:- Industrial property And Copyrights and neighbouring rights.

The industrial property includes patents, Trade mark, Industrial designs, Geographical Indication, Layouts Designs, etc. Whereas the copyrights and neighbouring rights subsists into Musical works, Dramatic works, Writings, Audiovisual works, Paintings, Drawings, Sculptures, Photographic works, Architectural works, sound recordings, Performances of various artist and broadcasting, etc. World Intellectual Property Organization (WIPO) governing Intellectual property rights at international level, envisaged various kinds of Intellectual property Copyright, Patents, Trademark,

Geographical Indication, Design, etc. To protect these various Intellectual property various enactments are done these enactments are as follows:-

The Copyright Act, 1957, The Patents Act, 1970, The Trademark Act, 1999, The Geographical Indications of Goods (Registration and protection) Act, 1999, The Design Act, 2000, The Semiconductor Integrated Circuits Layout Designs Act, 2000, The Protection of Plant Varieties and Farmers Rights Act, 2001, The Biological Diversity Act, 2002.

TRIPS is the principal International Agreement on International level administering the Trade Related Aspects of Intellectual Property. TRIPS is significant understanding as it characterizes the base standard of security which every part nation individual from the understanding will consent to so as to give insurance to the Intellectual property in their nation. So as to conform to the norms gave in the TRIPS understanding being an individual from TRIPS understanding India additionally revised the countries laws ensuring the licensed innovation.

KEYWORDS: Intellectual Property, Competition Law, Globalization, Interface

Indian Copyright Law:- The Law of Indian Copyright provides protection to the author of literary work by protecting the rights of the author. The rights provided to the author of the literary work are not a single right the copyright provides bundle of rights to the copyright owner.

The nature of rights provided under copyright are:-

Statutory Rights-The rights which derive their authority from law or legislation of the country, and which are vested in the rights to the author of the work hence the rights of copyright are meant to be statutory rights.

Multiple Rights-The rights provided to the author are numerous and not a single right, copyright provides bundle of rights. That is not only it provides monopoly rights to the author but it also provides the right to stop others from using the copyrighted material.

Economic Rights-The intellect creation in which copyright subsist is the result of the labour and hard work of the authors mind and the one who creates should have the right to earn profit, copyright while providing the rights to the author provides exclusive rights to the author to earn profit from the creation, this right provides the author monopoly right to create profit, hence it is meant to be economic right provided to the author. Sec.14 of the Indian Copyright Act defines the exclusive

rights of the author. The author may have the sole right to make economic benefit from the work or to exploit his work or to license to others to exploit any one or more of the rights for a consideration which may be in form of royalty, a lump sum payment.

Moral Rights-Apart from the economic rights the author of the work have some moral rights in the work created these rights are consist of special rights of the author. Section 57 of Indian Copyright Law contains the special rights of the author.

The signification of 'author's moral right' has been rightly described by prof. Upendra Baxi in his work "Copyright Law and Justice in India", 28, J.I.L.I., 497(1986)-

"The Act reaches out, in its solicitude for author's rights, even after part or whole assignment, and "independently of author's copyright" to confer upon her certain special rights. An author will have the special right to claim her authorship of the work as also the right to restrain, or claim damages in a situation where there occurs any "distortion, mutilation or any other modification" of the work and "any other action in relation to said work which would be prejudicial to his honour or reputation. This right is also made exercisable by the legal representative of the author."

Negative Rights- Copyright is a negative right as it prevents all others from utilizing the work without the authorization of the first creator. For utilizing the copyrighted work one need permit or consent of the creator. "The primary thought process to secure the protected innovation is to support the science, innovation, expressions, writing and other imaginative field. The essential goal of copyright isn't to remunerate the work of creators, however to advance the advancement of science and helpful expressions. To this end, copyright guarantees creators the privilege to the first articulation however urges others to fabricate unreservedly upon the thoughts and data passed on by a work."

Reason Behind protecting Intellectual property: -

The rights allowed through the Intellectual Property assists with upgrading the wealth of a country in the different scholarly fields. Here are a couple of persuading reasons. To begin with, the progression and flourishing of humanity lay on its capacity to make and plan new works during the zones of advancement what's more, culture. Second, the legitimate protection of new indications stimulates the devotion of additional benefits for extra headway. Third, the headway what's more,

protection of licensed innovation pushes money related turn of events, makes new openings and adventures, in addition, improves the quality and enjoyment for the duration of regular daily existence. A gainful and unprejudiced protected innovation structure can assist all countries with acknowledging licensed innovation's potential as a driving force for financial new development and social and social success. The protected innovation structure helps locate a congruity between the interests of pioneers and the open energy, giving a condition in which ingenuity moreover, improvement can flourish, for the upside of all. When in doubt, licensed innovation law targets securing creators and different producers of scholarly items and adventures by giving them certain Time-limited rights to control the use made of those manifestations. Protection of IPR licenses the pioneer, brand owner, patent holder and copyright holder to benefit by his/her work, work and adventure, which doesn't mean impressive plan of action of the knowledge. Such rights are set out in the International Declaration of Human Rights, which obliges the choice to benefit by the protection of the great and physical interests coming about on account of the right holder's work; literal or artistic thing.

What is meant by copyright?

Copyright is a part of IPR, which includes the right of adaptation, reproduction, and communication to the public. Copyrights are granted to people for their creativity in music, film, literature, and any other form of innovation and creativity. A copyright is basically a 'right to reproduce' that belongs only to the original creator. Any unauthorized use of an author's work is copyright infringement under the Copyright Act of 1957. Under the Indian Copyright Act, there are copyrights for various types of works.

What are the types of copyright in India?

Copyright law creates an atmosphere that stimulates creativity by protecting the rights of the original creators of the work. There are different types of works that fall under the Copyrights Act. The following are the different types of copyrights in India.

Literary Works

Copyright in this category covers works that are original or unique literary creations. Such literary works may be in the form of screenplays, novels, biographies, dissertations, reference books, and programmes. Copyright in such works may be claimed regardless of the literary merit, style or

quality of the work. Copyright in literary works grants exclusive rights. (Copyright literary work)

- For the production of variations of a work
- For a public performance of the work (copyright public performance)
- For the distribution of copies of the work to the public
- For the reproduction of the work. (Copyright reproduction rights)
- To translate the work.

INTERNATIONAL AGREEMENTS

BERNE CONVENTION ON LITERARY AND DRAMATIC WORK - The Convention is based on three main principles and includes a set of rules that determine the minimum level of protection to be provided, as well as additional provisions for developing nations that wish to employ them.

The following are the three fundamental principles:-

a) Works originating in one of the contracting States (that is, works whose author is a national of such a State or works originally published in such a State) must be granted the same treatment as works originating in another contracting State same protection in each of the other contracting States that it gives to its own citizens' works (national treatment concept) Such protection must not be conditioned on the fulfillment of any formality (principle of non-discrimination) protection (automatic).

b) Such protection exists regardless of whether or not protection exists in the nation of origin of the work (principle of protection independence). If, on the other hand, a contracting State provides for a longer duration than the Convention's minimum, and the work ceases to be protected in the country of origin, protection may be denied once the work ceases to be protected in the country of origin. Minimum protection standards apply to the works and rights to be protected, as well as the term of the protection:

In the case of works, protection must be extended to "any output in the literary, scientific, and aesthetic domains⁸, regardless of mode or form of expression" (Article 2(1) of the Convention).

The following are permissible reservations, limitations, or exceptions, subject to certain permitted reservations, limitations, or exceptions:

Among the rights that must be regarded as exclusive permission rights are:

- the authority to translate;
- the right to change and rearrange the work
- the ability to perform dramatic, dramatico-musical, and musical works in public;
- the right to recite literary works in public;
- the right to broadcast the performance of such works to the general audience; broadcasting rights (with the possibility of a contracting State to provide for a mere right to equitable remuneration instead of a right of authorization), it is provided that the reproduction does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and with the possibility of a contracting State to provide, in the case of sound recordings of musical works, for a right to equitable remuneration),

The Convention⁹ also establishes moral rights, which include the right to claim authorship of a work and the right to object to any mutilation, deformation, or other modification of the work, as well as any other derogatory action taken in relation to the work, that would be detrimental to the author's honour or reputation. In terms of protection period, the common rule is that protection must be granted until the author's death in the 50th year. However, there are certain exceptions to the general norm. The duration of protection for anonymous or pseudonymous works expires 50 years after the work was lawfully made available to the public, unless the pseudonym leaves no question about the author's identity or the author confesses his name during that time; in that case, the general rule applies. The minimum period of protection for audio-visual (cinematographic) works is 50 years after the work is made available to the public (release). Developing countries may, in accordance with UN General Assembly practice, deviate from these minimal criteria of protection in the areas of translation and reproduction for certain works and under specific conditions.

The Convention ensures that performers' performances, manufacturers' phonograms, and broadcasting organisations' broadcasts are all protected. Actors, singers, musicians, dancers, and others who perform literary or artistic works are protected from certain acts for which they have not given their agreement. These activities include: broadcasting and public transmission of their live performance; fixation of their live performance; and reproduction of such a fixation if the initial fixation was performed without their consent or for purposes other than those for which they provided their approval.

Phonogram producers have the right to allow or prohibit the direct or indirect reproduction of their recordings. The Rome Convention defines phonograms as any primarily aural fixation of sounds from a performance or other sounds. When a phonogram published for commercial purposes gives rise to secondary uses (such as broadcasting or public communication in any other form), the user must pay a single equitable remuneration to the performers, producers of phonograms, or both; contracting States, however, are free to ignore or limit the application of this rule. Broadcasting organisations have the authority to authorise or prohibit certain acts, including the rebroadcasting of their broadcasts, the fixation of their broadcasts, the reproduction of such fixations, and the communication to the public of their television broadcasts if such communication is made in public places with a fee.

Dramatic works

This is also a form of literary work. They include all kinds of preparations for a play to be performed, silent entertainment, drama, choreography, or fixed writing. However, dramatic works do not include motion pictures of any kind.

Copyright in dramatic works grants exclusive rights to

- For the production of variations of the work
- To reproduce the work
- To make the work available to the public
- To include the work in any motion picture

Musical works

Musical works are copyrightable per se. Musical works do not include text or sound. A separate application must be filed with the Copyright Office for protection of musical works, and works related to sound recordings are usually dependent on musical works. A musical work does not have to be written down to enjoy copyright protection.

The copyright law for songs in India provides exclusive rights for musical works

- For the reproduction of the musical work

- For the distribution of the work to the public
- To make any kind of modification of the work
- To perform the musical work in public
- To make copies of the work available to the public

To make a sound recording or a motion picture in relation to the musical work. Artistic works

Artistic works, as defined in the Copyright Act of 1957, include the protection of artistic works, which include, but are not limited to, paintings, photographs, buildings, diagrams, cartoons, molds, plans, etchings, casts for sculptures, prints, and drawings.

Copyright in artistic works grants exclusive rights

- To give copies of the work to the public
- To include the artistic work in motion pictures
- To make adaptations of the work
- To reproduce the work
- To make the artistic work available to the public

5. Cinematographic films

Cinematographic films generally include any single recorded work with moving images and visual elements. It is any work of visual recording with sound recordings made by any process, analogue or digital, and also includes video films. It may include visual recordings in any medium and any method of preservation of such visual recordings.

Copyright in cinematographic works grants exclusive rights to

- To distribute, sell or offer for sale a copy of the cinematographic film
- To make the cinematographic film available to the public
- To make a copy or variations of the film.

6. Sound recording

Sound recording is any type of recording, regardless of the form of the storage medium. It may include any song containing the voice of a singer with or without music, a podcast, or a sound recording. Sound recordings include music, so permission from the inventor or creator of the music is required for copyright protection of the sound recording.

Copyright for sound recordings provides exclusive rights to

- To sell or rent a copy of the sound recording
- To make the sound recording available to the public
- To make any other sound recording symbolising the work.

Conclusion

Copyright law creates an inspiring atmosphere to encourage creativity in works. However, if the creation is claimed as property for generations, it could harm the progress of society. Therefore, the duration of copyright protection in India has been set at the lifetime of the creator until sixty years after his death. Rigid copyright laws can be detrimental to the progress of a society. Therefore, countries enact copyright laws that balance the interests of creators and the community.¹

The act of plagiarism is the violation to the moral rights under copyright. “The term “moral rights” is a translation of the French term “droit moral,” and refers not to “morals” as advocated by the religious right, but rather to the ability of authors to control the eventual fate of their works. An author is said to have the “moral right” to control her work. The concept of moral rights thus relies on the connection between an author and her creation. Moral rights protect the personal and reputational, rather monetary, value of a work to its creator.”

The international conventions contain different² provisions related to moral rights these are:-

¹ <https://vakilsearch.com/blog/what-are-the-different-types-of-copyright/>

² Betsy Rosenblatt, Harvard Law School, Moral Rights Basics, <https://cyber.harvard.edu/property/library/moralprimer.html>,

Universal Declaration of Human Rights, Article 27(2): -

“Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author³

Article 6bis(1) of the Berne Convention:-

“Independently of the author’s economic rights, and even after the transfer of said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honour or reputation.”

1) **Indian Laws and Moral Rights**

As the origin of Concept of moral rights are from the *Droit D' Auteur*, a French Concept according to which the one who creates the work have special attachment to the work as the creation is the brain child of the creator as the creation of it is done by the intellect of the creator. This attachment leads to the origin of certain type of rights of the creator upon the creation. In which the moral and economic rights are the main.

“Moral rights itself encompasses two major rights, which are Right to Integrity and Right to Paternity. Right to Integrity aims to protect the reputation of the author by outlawing any distortion, defacement, derogatory alteration etc. which can harm the artist's honor. Right to Paternity guarantees attribution for artist for creation of his work when such work is reproduced or disseminated through any medium.”⁴ Indian copyright law protects the moral rights of the author under special rights granted to the author in section 57 of Indian Copyright Act, 1957 this section of the Copyright Act builds the very foundations.

It provides author rights regarding attribution to his/her own work and right to protect his reputation. Even after the economic rights of a work are surrendered, moral rights are not alienated, and the author have right to bring action against infringement in case there is a violation of his moral rights.

There is a case related to moral rights which is AMARNATH SEHGAL V/S UNION OF INDIA

³ <https://www.lawctopus.com/academike/moral-rights-author/>,

⁴ <https://www.mondaq.com/india/copyright/869262/architect39s-moral-rights-in-india>,

which states that Amarnath Sehgal⁵, a well-known sculptor, was commissioned by the Indian government to create a mural for the Vigyan Bhavan. The mural was created over a period of 5 years and was exhibited in 1962. The government decided to remove the murals affixed to the walls of the Vigyan Bhavan and keep the said mural in a storage room of the building due to ongoing renovation work without informing Amarnath or seeking his permission. In addition, the mural was slightly damaged due to improper handling and negligence. Amarnath sued the government for the improper treatment of his mural, claiming that it was a violation of his moral rights.

Analysis: While the Court stated that moral rights are the soul of an author's work, it clarified that they cannot be taken away from the author regardless of the sale of the work. The destruction and mutilation of a work was held to be a violation of moral rights.

The government argued that once the sale was completed and a reasonable fee was paid, it had the authority to dispose of the work as it saw fit, including the decision to remove the work from public display. However, the Court did not allow this argument to stand, emphasizing that the mutilation and partial destruction of the mural damages the reputation of the author himself, regardless of who the owner is. Therefore, the author was awarded compensation of Rs. 5,00,000/- and ordered that the remains of the mural be handed over to Amarnath for restoration and resale.

This case formed the basis for the interpretation of copyright. The Court also allowed specific remedies that had not been testified to prior to this case, such as the return of the copyrighted work to the author. This set the tone for future interpretations of moral rights and the residual rights of an author.⁶

2) Laws Dealing With Copyright in India

- The section 57 of the Indian Copyright Act, 1957 gives right to the creator to guarantee initiation of their privileges in their work, this gives right not to be copied to the creator by implication as the literary theft isn't perceived by any of the rule in India.

⁵ Mira T Sundara Rajan, 'Moral rights and the protection of cultural heritage: Amar Nath Sehgal v. Union of India' (2001) 10(1) International Journal of Cultural Property 79.

⁶ <https://www.theipmatters.com/post/amarnath-sehgal-v-union-of-india>

- The section 57 of the Indian Copyright Act, 1957 contains “special rights” to the creator to be attributed for their work. These rights are good in nature and are inalienable. The rights not to be plagiarized implies to the right of attribution under the Indian copyright Act. Infringement is viewed as a criminal offense under Section 63 of the Indian Copyright Act, 1957
- This Section grants a similar discipline for both i.e., the infringement of Sec.57 and the copyright encroachment.
- The sentenced infringers are granted detainment that ranges a half year to three years under Section 63 of the Act. They have additionally remunerated in financial terms for the demonstration of encroaching.
- Section 63(A) of the Indian Copyright Act specifies an upgraded punishment for second and subsequent convictions.

Case law: -

“The first case which describes the authors' moral rights India is *Mannu Bhandari V. Kala Vikas Pictures Ltd* “court held after 30 years of the Copyright Act's establishment, the court held the substance of the assurance conceded by the uprightness directly under Section 57(1)(b) of the Act. The case related to the adjustment of the offended party's novel *Aap Ka Bunty* into the respondents' film *Samay Ki Dhara*. The court needed to consider whether the adjustment added up to mutilation or contortion of the creator's work. In spite of the fact that the gatherings in the end arrived at a settlement among themselves, the court accepted the open door to examine Section 57 and held that the words 'other alteration' must be perused ejusdem generis with the words 'contortion' and 'mutilation'. The court saw that Sec. 57 is the legal acknowledgment of a creator's licensed innovation and must be secured with unique consideration. Henceforth, an alteration will be found to abuse Section 57 of it.”⁷

⁷ AIR1987 Del13.

TREATIES, CONVENTIONS, THEORIES OF

COPYRIGHT

Intellectual property rights are based on the principle that the products of the human mind are protected in the same way as material goods. The theories of intellectual property rights play an important role in understanding the rights offered and the reason for them. It is interesting to note that while trade secret law is a branch of intellectual property rights, it is distinctly different from other intellectual property rights. Since the focus is on specific obligations, this branch of intellectual property is only concerned with illegality, which is determined by reference to independent legal norms. Therefore, intellectual property theories play an important role in trade secret law. This article discusses in detail the various theories of trade secret protection formulated by different philosophers with a specific purpose and goal. The five theories included in this article are;

- Natural rights theory was developed based on the idea of John Locke.
- The utilitarian theory is based on the Bentham ideal of "the "greatest good for the greatest number"
- The deterrence theory supports morality.
- Ethics and rewards theory promotes the ethical and moral aspect of intellectual propertyrights.
- The theory of personhood advocated by Kant and Hegel.⁸

The theory of natural rights

The term "natural right" refers to a fundamental right that a person possesses. Natural rights theory holds that every person has a natural property right to his or her ideas. This is because creation is the result of the work and creativity of the person who implements it. The theory of natural rights has its roots in the philosophy of John Locke, which states that an author has a natural right to the result of his intellectual work, and can be applied to both tangible and intangible goods. The extension of this theory includes the right to use the property or exclude others from using it, as well as the right to transfer the object. Since ownership of a creation becomes a natural right of the owner, infringement or unauthorised use of the same is considered a crime. This idea has also been adopted by various categories of intellectual property.

⁸ <https://blog.ipleaders.in/theories-protection-intellectual-property-rights/>

The utilitarian theory

The utilitarian theory follows in the footsteps of Jeremy Bentham and John Stuart Mill, who focused on the "greatest good for the greatest number." While the term "utilitarian" means "social welfare," the theory is essentially based on the fact that industrial progress and cultural goods together can have a better and significant economic impact on society and people in general. In terms of intellectual property rights, the theory emphasises the need to foster innovation and creativity. This need can be satisfied by a minimal certification that the product of such creation will be superior to the expenditures made on the product in question. This theory expressly precludes trade secrets from being considered intellectual property because, in the course of protecting information that is exclusive to an individual or group, a trade secret prohibits the general public from profiting from it. Thus, the theory acts as a deterrent. The utilitarian theory is also known as the incentive theory because it supports society's duty to respect the inventor's property right in his creation, which is not only a source of profit for the inventor himself, but for society as a whole.

Deterrence Theory

Deterrence theory promotes morality, virtue, and illicit business behaviour. Deterrence theory is rooted in the fact that it contrasts with utilitarian theory, which does not accept deterrence when the goal is to obtain a benefit from innovation for society as a whole. It is trade secret laws that stand in the way of unfair marketing and therefore form the basis for the deterrence theory. The term "deterrence" stands for discouragement. The theory discourages the misappropriation of a creation, information, etc., because the secrecy of the same is central to this theory.

The Theory of Ethics and Reward

As the name implies, the ethics and rewards theory provides a rationale for the exclusive rights granted by intellectual property rights to the original owner of the innovation. These exclusive rights are seen as an expression of appreciation to the creator for his immense contribution to society through his creation. The term "ethics" stands for "fairness," while the term "reward" symbolises "recognition of efforts for a particular cause." Simply put, the ethics and rewards theory clarifies that a creator must be rewarded for his creation, thus realising the ethics behind intellectual property rights.

The Personhood Theory

The personhood theory states that the creator's creation constitutes his personhood, thus making it clear that an individual's personhood is linked to his property rights. This theory has its roots in the philosophy of Hegel, which states that intellectual property rights are also connected with securing the development of personality, which extends to material things. Thus, the theory states that an unauthorized user who makes another's creation available to the public without that person's prior consent is considered a thief. The theory brings with it its critique, which is related to its underlying principle that relates personality to creativity. This rationale is ipso facto insufficient, since personality cannot be said to be connected with the result of a person's creation. While this is one side of the coin, the other side of the coin states that creation, even if independent of its creator, is highly dependent on the public. It is only through the public that the work gains substance and meaning.⁹ Leading international treaties, conventions and agreements on copyright

The Berne Convention for the Protection of Literary and Artistic Works, 1886

The Berne Convention is the oldest international convention in the field of copyright that sets the minimum standards for protection. When passing laws relating to literary and artistic works, it is necessary to establish this convention, which lays down basic principles that are generally applicable in a manner that is fair to all persons interested in the right. In addition, this Convention has been periodically revised, most recently on September 28, 1979, and is a landmark law prescribing certain minimum standards for the protection of authors' rights and the duration of protection, and is therefore required by the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) for its signatories.

Main Provisions - Some of the most important provisions of the Berne Convention to be considered are the definition of literary and artistic works, the protected works and the conditions for their protection, the criteria for eligibility for protection, the possible limitation of protection of certain works by nationals of certain countries outside the Union, the right to enforce the protected rights, infringing copies, special provisions for developing countries, etc.

National Treatment

The most important right among those provided for in this Convention is national treatment.

Compliance with some important provisions of the Berne Convention - TRIPS

⁹ ibid

The TRIPS Agreement is not a stand-alone agreement. It incorporates by reference relevant provisions of earlier treaties and conventions. With respect to the Berne Convention, TRIPS requires WTO Members to comply with certain specific provisions of the Berne Convention and the Annex thereto, pending the provisions dealing with moral rights or rights derived therefrom. The Annex provides developing countries, by virtue of their status as developing countries, with the option of varying the forms and duration of rights, provided that the conditions set forth therein are met. The provisions of the Berne Convention, to be compiled at TRIPS, deal with protected works, rights, categories of literary and artistic works, cinematographic and dramatic works, eligibility for protection, duration of protection, fair use and related issues.

Universal Copyright Convention, 1952

Universal Copyright Convention originally adopted in the year 1952 and later on protocols to the Convention are done at Paris July 24, 1971. This Convention is intended to facilitate a wider dissemination of works of the human mind and increase international understanding. The preamble of this Convention states that the Convention it was concluded on the contracting states being convinced that a system of copyright protection appropriate to all nations of the world and expressed in a universal convention, additional to, and without impairing international systems already in force, will ensure respect for the rights of the individual and encourage the development of literature, sciences and arts. This convention provides for the effective protection in each of the contracting states of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic, cinematographic works, paintings engravings and sculpture; national treatment of nationals of other contracting states in respect of their work published in their own states and unpublished work; term of protection. Protection shall extend to works protected under the convention either in their original form or in any form recognizably derived from the original. Any dispute between two or more disputing States concerning the interpretation or application of this Convention which is not settled by negotiation shall be brought before the International Court of Justice, unless the States concerned agree on some other method of settlement. It's decided.

WIPO Internet Treaty:

WIPO Performances and Phonograms Treaty, 1996 (WPPT) and WIPO Copyright Treaty, 1996 (WCT). His 1996 WIPO Performances and Phonograms Treaty (WPPT) and his 1996 WIPO Copyright Treaty (WCT) (also known as the Internet Treaty) require authors to circumvent technological measures to protect their works. is a crime.

Theories of Right:-

The Will Theory– This hypothesis says that the advancement of rights are from human 'will'. As indicated by this hypothesis the motivation behind law is to give the individual the methods for self articulation or self affirmation.

The Interest Theory-The propounder of this hypothesis is Ihering as per him, "the premise of rights is 'intrigue' and not 'will'. If there should arise an occurrence of rights, the motivation behind law is to ensure certain interests and not the wills of statements of people. These interests are not made by the state, yet they exist in the life of the network itself. The state just picks out of them such enthusiasm as it will secure."¹⁹

The rights provided under the Indian Copyright Act 1957, to the author of the work includes Economic, Moral and Neighbouring or related rights. The very basic behind providing the rights to the author is the Interest of author .Hence, the scheme Indian copyright Act of 1957, contains all the rights under its different provisions which are as follows:-

Section 57 specify two special rights to authors, who are the original creators of the work or whom which the work derived. This section guarantees moral rights which are defined under International convention. Moral rights defined under International Convention include two rights which are right to paternity and right to integrity.

- ❖ **Section 37** protects the right of every broadcasting organization these are called “broadcast reproduction right”. International conventions define the broadcasting rights as kind of neighbouring rights of copyright.
- ❖ **Section 38A** secures performers rights in relation to their performance, these rights are also kind of neighbouring rights under International convention¹⁰.

¹⁰ ALWD 6th ed. Sundara Rajan, M. T., Moral rights and the protection of cultural heritage: Amar nathseghal v. union of india , 10(1) IJCP 79 (2001)

MORAL RIGHTS IN OTHER NATION

Under British law, there are four moral rights:

- Right of Attribution
- Right to object to derogatory treatment - affecting the artist's reputation
- Right to object to misrepresentation
- Privacy Rights in Certain Films and Photos

UK moral rights apply if you lived after 1st August 1989, regardless of when the work of art was created. Except for the right to contest false attribution, moral rights last for the life of the copyright. In the UK, this is your lifetime plus 70 years. The right to contest false attribution is for life plus 20 years.

Right of Attribution

A right of attribution is the right to be identified as the author of a work of art when it is published commercially, exhibited publicly, or when an image or film of the work is publicly reproduced. Under English law, a right of attribution must be asserted. This requires positive action to let others know that you want to exercise your rights. Assertions come in many forms. A common way to do this is to include provisions in a document such as a license agreement. For example, you can include the following clauses: "{artist} claims the right to be identified as the author of {artwork name}." When you publicly display a work of art, you may exercise your right of attribution by marking your name on the original or copy of the work of art, on the frame or mat, or on anything else on which the work of art is mounted.

EXCEPTION

In certain circumstances, people using your artwork may not be bound by their rights of attribution.

There is an exception to the right when using image materials for the purpose of reporting current events; Periodicals such as newspapers. Or publications that are collective reference materials such as encyclopedias, dictionaries and almanacs. Exceptions also apply to accidental inclusion, such as when artwork unintentionally appears in a film or broadcast. There are further exceptions

for computer programs, computer generated graphics, and graphics used in exams. The law contains a full list of exceptions to this right. Right to object to degrading treatment The right to object to derogatory treatment, also known as the "right to integrity", is intended to protect your reputation as an artist. The term "processing" may include additions, deletions, adjustments and other types of manipulation that affect the structure or composition of the artwork. However, for this right to be violated, the treatment must be "derogatory." This means that the treatment will mutilate or distort the artwork or adversely affect your reputation as an artist. Proving that someone treats your artwork in a disparaging manner is subjective and may require proof of the extent of your reputation.¹¹

Exemptions

In certain circumstances, somebody utilizing your work of art may not be bound by the Correct of Attribution. An special case to the correct exists in cases where the craftsmanship is utilized: for the purposes of detailing current occasions; in a periodical publication, such as a daily paper; or in a distribution that's a collective work of reference, such as an reference book, word reference or yearbook. There's moreover an special case for accidental consideration, for illustration in the event that an work of art shows up in an spontaneous way in a film or broadcast. There are further exceptions relating to computer programs and computer-generated artwork and craftsmanship utilized in examinations. The Correct to Question to false Attribution, The Correct to Question to false Attribution can be worked out by anybody who finds an artwork erroneously credited to themselves. Interests, a individual does not essentially need to make anything to advantage from this right. It is especially pertinent in case you're recognized in an express or suggested articulation as the maker of an work of art simply did not make - for case, on the off chance that somebody has fashioned your work.

The proper is as it were abused or encroached, be that as it may, when the dishonestly credited craftsmanship is shown in open or when duplicates or materials containing an picture of it are issued to the open. A individual acting within the course of business, for case an craftsmanship dealer, will encroach the proper on the off chance that they have or bargain with the artwork with earlier information or reason to accept the craftsmanship contains a untrue attribution.false attribution does not as it were apply to a forged craftsmanship. It can too apply to an alteration by somebody other than the initial craftsman. On the off chance that you separated possession

¹¹ <https://www.dacs.org.uk/knowledge-base/factsheets/moral-rights>

along with your craftsmanship and a individual acting within the course of trade knew or had reason to accept that somebody else had made changes to it, this would mean the craftsmanship had been dishonestly ascribed to you. Not at all like other ethical rights, there are no special cases to this right and thus no circumstances in which the right, once built up, does not apply. This right may be worked out by anybody who has commissioned photos or movies for private and domestic purposes and where the coming about photo or film has copyright assurance. The commissioner has the correct not to have duplicates issued or communicated to the open, counting in a broadcast or cable benefit, or displayed freely. Anyone Doing these acts infringes the Correct of Security in the photos or movies. An exemption applies in the event that the photo or film is utilized by chance in a broadcast or film, which implies it is utilized in an improper way.

Moral Rights Outside The Uk

Moral rights have a different set of rules in other countries, including those in Europe, even though other parts of copyright law may be similar. In France and Spain for instance, some moralrights are perpetual so they last even longer than the normal term of copyright. Outside of Europe, the approach to moral rights may be in reference to a particular use of an artwork. In Australia for instance, the law covers situations where artworks have been commissioned for public display and gives artists

Conclusion

The demonstration of unoriginality can't be legitimized in any conditions. This demonstration of written falsification isn't just censured by the general public all in all yet in addition denounced and tended to through formal disciplinary continuing by the educational establishment. Aside from this it can likewise draw in lawful and money related punishments. Byand large these techniques are utilized as alternate ways to maintain a strategic distance from hard work and endeavors. In any case, these are the alternate routes that will most likely make up for lost time, regardless of whether we don't get captured for literary theft and one ought to consistently remember that there is no other appropriate path than innovativeness. It is in this way fundamental for us to be skillful to think regarding a matter, investigate it. This ability is required all over the place, regardless of whether we are concentrating in school, school or accomplishing our exploration work at PhD. Level. Besides on the off chance that we do study and work to create a work, we will find that these free accessible materials on web are regularly far sub-par compared

to what we might be able to deliver all alone. In order to fight against plagiarism the awareness related to the violation of moral rights through the act of plagiarism should be spread. The act of plagiarism not only violates the moral right of the researcher but leads great impact on the reputation of the author, Plagiarism is something which demotivate the creator to create new as plagiarism create the fear of stealing of the creation. Indian Copyright Act 1957 provides protection towards violation of moral rights vested in the copyright. This Act also provides punishment for the violation of moral rights. The economic rights provided by the act can be taken away from the author but the rights which are inalienable from the author are Moral Rights. The moral rights of author also exist after the expiration of economic rights of the author from the work. The development of data innovation, rivalry between nations, quick development of information, quick increase of logical diaries, absence of good elucidation of copyright infringement and various understandings of it, absence of mindfulness, mismanagement of time, and low culture and soon have all added to the prevalence of unoriginality.

