

ISSN: 2582-6433



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis



IJLRA

## EDITORIAL TEAM

### EDITORS

#### **Megha Middha**



*Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, Sikar*

*Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to*

*the fact how they can bring a change to the society*

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



## Dr. Namita Jain



**Head & Associate Professor**

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC - NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on*

March 14th, 2019

## Mrs.S.Kalpana

**Assistant professor of Law**

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He*

*participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **An Analysis On International Copyright Legislation:**

Authored By : Malay Chakrapani  
& Madhuripu Raj

Course: B.A.LL.B (Hons.)  
BATCH-(2018-2023)

College: Law College Dehradun

Institutional Affiliation: Uttaranchal University

Contact Number: 7320854372 & 7091580428

Mail ID: [madhuripuraj18@gmail.com](mailto:madhuripuraj18@gmail.com)  
& [malaymishra16@gmail.com](mailto:malaymishra16@gmail.com)

All artists are protected by copyright... and we should be the first to respect copyright.

- Billy Cannon

## **Abstract:**

The copyright is a defence available to the original creator of a work like an artistic work, a musical work, etc. when an author fixes the work in a tangible form. The laws relating to copyright can be different in various countries. The article mainly focuses on the laws relating to copyright from an international perspective, how the law of copyright has emerged and grown rapidly in recent times, and also talks about the various conventions regarding copyright. The various treaties regarding copyright show the emergence of the law and the need for copyright legislation. The development of the nation also depends upon the work in the fields of science, literature, music, art, etc. If the different states started copying or making some amendments to the original work done by one state, then it is a violation of the rights of that person as well as the state, so it is necessary to implement the international copyright legislation that protects the rights regarding the original work. The original work must have originality, creativity, and fixation. After the copyright, the rights available to the copyright holder are reproducing the work, creating derivative works, performing the work publicly, publicly distributing the work, publicly displaying the work, etc. All these rights are derived from various conventions and case laws.

**Keyword:** Copyrights, convention, procedures, International, Owners, Nations, Authors, laws, valid, eligible, producers, creative works, literary, artistic, regulations, agreements, promote, distribute, implementation, protection, principles, resolution, mechanism, sanctions, violations.

## **INTRODUCTION:**

Copyright is a type of legal defence provided to content producers by the granting of particular rights to works that are eligible for protection. Copyright law can vary greatly from country to country, and there is no such thing as an international copyright that will automatically protect the work of an individual author worldwide. There is no international copyright law. Every nation has domestic copyright rules that govern its residents as well as the usage of foreign content when done so within that nation. It enables authors, publishers, and content owners from several nations to enjoy copyright protection in other nations as well as their own. Every nation has specific copyright laws that control intellectual property (such as copyright) in that nation. A nation's copyright regulations only cover content produced and used there. This implies that an author's copyright that is legitimate in the United States might not be recognised in other nations. There may be various laws in other nations regarding what is protected by copyright, who is the author of a copyright, the procedures you must take to prove you are the author, and even how long copyright is valid.

## **INTERNATIONAL COPYRIGHT TREATIES:**

### **Berne Convention**

The Berne Convention, which addresses the protection of works and the rights of their creators, was adopted in 1886 it is also known as Berne Convention for the Protection of Literary and artistic works. It allows artists like writers, musicians, poets, and painters to control how, by whom, and under what conditions their works are used. It is based on three main principles and has a set of regulations specifying the minimum level of protection to be provided, as well as exceptional provisions available to developing nations that wish to employ them. This was the first international copyright convention, and it was updated several times in 1908 in Berlin, 1928 in Rome, 1948 in Brussels, 1967 in Stockholm, and

1971 in Paris to address the various issues brought about by technological advancements.<sup>1</sup> It set in motion the idea of creating a copyright the moment a work is "fixed," i.e., produced. Registration is not required. It also makes it mandatory for countries to recognise copyrights held by citizens of all other Convention members. The countries to which this Convention applies form a union aimed at protecting the rights of authors in their literary and artistic works.<sup>2</sup> The term "literary and artistic works" refers to all works in the literary, scientific, and artistic fields. Its mode of expression can take various forms, such as books, pamphlets, and other writings; lectures, addresses, sermons, and other works of the same kind; and so on; dramatic or dramatic-musical works; dumb-show choreographic creations and amusements; musical compositions with or without words; cinematographic works in which works expressed through a process similar to cinematography are incorporated; photographic works to which are incorporated creations expressed by a process similar to photography; creations of applied art; illustrations, maps, plans, drawing and sculptural works in connection with geography, topography.<sup>3</sup> Music adaptation and other modifications of a published or arty production are safeguarded as artistic works in the original creation without loss of copyright.<sup>4</sup> The Convention shall protect encyclopaedias and anthologies which are regarded intellectual creations by reason of the selection and arrangement of their contents.<sup>5</sup> All the signatory nations shall safeguard the creations referred to in the Convention. The protection of the Convention is accessible to citizens and residents of member countries and to development, first published or simultaneously published in a country that is party to the agreement of the Convention.<sup>17</sup> the "country of origin" will be the signatory country for a work published simultaneously both in the signatory nation and in non-signatory nations. According to the Berne Convention, copyright will exist in the Party countries for fifty years after the author's death in all creations except photographic and cinematographic work. Party nations, on the other hand, can provide longer terms at no cost. In the case of a photographic work, the convention establishes copyright for a period of twenty-five years from the year it was first created. The Berne Convention guarantees copyright for cinematographic work for fifty years after it was first shown or, if not shown within fifty years, for fifty years after it was first created. The treaty allows parties to provide their own terms of protection.

---

<sup>1</sup> Ahuja, V.K, Law of Copyright and Neighbouring Rights: National and International Perspectives, Lexis Nexis, New Delhi, at P.3, (2007).

<sup>2</sup> Article 1 of the Berne Convention.

<sup>3</sup> *Id*, Article 2(1).

<sup>4</sup> *Supra* note 2, Article 2(3).

<sup>5</sup> *Supra* note 2, Article 2(5).

## **Buenos Aires Convention**

The Buenos Aires Convention is a treaty signed by most countries in North and South America that allows for the protection of all creative works as long as they include a notice stating that the creator claims copyright on them. The Buenos Aires Convention also established the "short term rule," which stated that the length of the copyright term for a work in a country was whichever was shorter: the length of the term in the source country or the length of the term in the country that protected the work.

## **Universal Copyright Convention (UCC)**

The Universal Copyright Convention (UCC) is an international instrument which was drawn up in 1952 under the auspices of UNESCO (United Nations Educational, Scientific and Cultural Organization) which had consulted copyright experts from different countries for several years.

The Main Features of the conventions are:

- (1) No signatory nation should give its domestic authors preferential copyright treatment over authors from other signatory nations, though no minimum protection is specified for either domestic or foreign authors.
- (2) All copies of the work must bear a copyright notice that includes a mark, the name of the copyright owner, and the year of first publication.
- (3) The fixed period of copyright shall be the author's lifetime and twenty-five years thereafter. However, for photographic and applied art works, the term is ten years.
- (4) All signatory countries are required to grant an exclusive right of translation for a seven-year period, subject to a compulsory licence under certain conditions for the remainder of the copyright term.
- (5) The Universal Copyright Convention is not opposed to any other multi-sided or two-sided agreements or arrangements between two or more parties. If there are any inconsistencies between the UCC and the rules of some multifaceted or two-sided treaties, the UCC will take precedence. In the event of a conflict between the UCC and the Berne Convention, the Berne Convention will take precedence.

At the Paris Conference, the UCC and the Berne Convention were revised to address the unique needs of developing countries, particularly in the areas of translations, reproductions, public events, and broadcasting. Such broad rules were supposed to apply only to teaching, science, and scholarship.

## **Rome Convention**

Technology had advanced significantly since the Berne Convention was signed in 1961. Some innovations, such as tape recorders, made it easier to duplicate previously recorded works. The Berne Convention did not assist copyright holders in defending against emerging technologies because it only applied to printed works. On October 26, 1961, WIPO members signed the Convention for the Protection of Performers and Producers of Phonograms Organizations to address the perceived need for strong legislative protection for recorded works. It extended copyright protection from the author of "Work" to the creators and producers of particular physical embodiments of the work. These "fixations" include media like CDs, DVDs, and audiocassettes. The Rome Convention mandates that signatory nations protect the creations of musicians, phonograph manufacturers, and media companies. However, it permits member countries to create exceptions to that protection for example, for unauthorised uses of a recording for the purpose of teaching or scientific research. The Rome Convention has been ratified by 91 nations. The Rome Convention is only open to nations that have already ratified the Berne Convention or the Universal Copyright Convention. Joining the Rome Convention has an unknown impact on domestic law, like many international treaties. Countries that join the Convention may "reserve" their rights under certain treaty provisions. In practise, this has allowed countries to avoid applying rules that would necessitate significant changes to their national laws.

## **Agreement on Trade Related Aspects of Intellectual Property**

### **Rights (TRIPS)**

An international agreement known as TRIPS was negotiated and signed in 1994 and is managed by the WTO. TRIPS lays out minimum requirements for numerous types of IP protection, including copyright, in WTO members' nations. The Berne Convention and TRIPS' substantive provisions are not significantly different. The main distinction is that TRIPS mandates that copyright protection be given to computer programs and data compilations by member nations. The Berne Convention mandates the preservation of authors' moral rights, whereas TRIPS does not. The TRIPS regulations remedies are its most significant innovations. TRIPS, unlike the Berne Convention, requires member countries to provide effective sanctions for copyright violations. It creates a dispute resolution mechanism by which WTO member countries can force the other countries members to comply with their

treaty obligations. It is sometimes said that, unlike the Berne convention, TRIPS allows for some flexibility in its implementation. This flexibility is intended to allow developing countries to balance the incorporation of general TRIPS principles with development concerns.

## **WIPO Performances and Phonograms Treaty (WPPT)**

The member nations of WIPO signed the WIPO Performances and Phonograms Treaty (WPPT) on December 20, 1996. The WPPT strengthens performers' and phonogram producers' intellectual property rights. Vinyl records, tapes, CDs, digital audiotapes, MP3s, and other sound recording storage devices are all considered phonograms. The WPPT offers performer's financial rights over their phonographically fixed performances. Additionally, it gives writers moral control over these acts. The creators of phonograms, however, are only given economic rights. 86 nations are the parties of the WPPT.

## **WIPO Copyright Treaty (WCT)**

The digital age has transformed how authors promote, distribute, and reproduce their works. Books, papers, photographs, and sound recordings are frequently saved in electronic formats, distributed online, and compiled in databases.

Unfortunately, the same technologies that make storage and distribution more efficient have also made it easier to widely copyrighted material. Because governments in developed countries were concerned about the implications of these new technologies, they pushed for and eventually obtained two treaties: the WIPO Copyright Treaty and the WIPO Performance and Phonograms Treaty. A unique agreement under the Berne Convention, the WIPO Copyright Treaty (WCT), went into effect on March 6, 2002. It is the first international treaty requiring countries to grant copyright protection to databases and computer programmes (compilations of data or other material).

## **Global Effects of Copyright Legislations:**

Although it has been left to the tenets of EU law to meet this requirement, the current government has recognised that rules relating to copyright, along with all intellectual property rights, need to be modernised to remain applicable as technology changes. The need to resolve trademark and copyright infringement issues has grown as cyberspace has encroached on almost every aspect of modern life. The UK Patent Office is in charge of this, whereas the Geneva-based WIPO Arbitration and Mediation Centre has had authority over international infringements since 1994. Following the 1974 publication of The Mathis Report on British Trade Mark Law and Practice, the Trade Marks Act of 1994 established special legislation pertaining to EC Measures in Regard to Counterfeit Goods. The Trade Marks (Proof of Use, etc.) Regulations of 2004, Section 6 of the Copyright, etc., and Trade Marks (Offenses and Enforcement) Act of 2002, and Part IV of the Patents and Trade Marks (World Trade Organization) Regulations of 1999 are all in compliance with the most recent EC Directives as part of their e-Europe 2005 Action Initiative. A significant issue with the internet is that, in addition to crossing boundaries, it violates people's privacy. These cyberspace violations are a worldwide issue, thus several nations need to have appropriate Internet legislation as well as other laws linked to developing technology. Although space restrictions prevent more than a passing mention, it must be noted that the country of origin rule is an important consideration. Although China has strict privacy laws and expanding internet legislation as part of the People's Republic's efforts to carve out a role for itself in the global economy, space constraints also prevent individual nations from discussing the expanding cyber law. In the US, there is still a conflict between free speech and free use, as defined by the First Amendment, and the fundamentals of copyright law. A "collective licencing organisation like ASCAP" has been suggested to distribute compensation to copyright owners in accordance with electronic transmission. Laws covering academic use that are comparable to those in the UK are one option, while adding new terms to current statutes to change liability is another. The First Amendment continues to be a defence in copyright cases that are currently in court, which the courts have been interpreting as "fair use." As a result, innocent copyright use is being misunderstood and excluded from routine administrative tasks like photocopying a single hire-purchase document or something similar. Congress passed a particularly onerous revision to the US copyright laws in 1998. Due to this evidence regarding online copyright liability and the WIPO Copyright Treaties Implementation, it is now illegal to "circumvent copyright protection systems, fabricate, or

modify copyright management information," and there are fines of up to \$1 million associated with doing so. As a result, the "ultimate goal of copyright"—to promote knowledge and discussion—would effectively be eliminated. In addition, access to a great deal of information that had previously been in the public domain would suddenly be prohibited, negating any acceptance of the "free use" clause. According to the United States Constitution, "the Congress shall have the power... to secure for specified periods of time to authors and inventors the exclusive right to their particular writings and discoveries," though this seems to be in question in the case of the original author of the "Winnie the Pooh" book series, which was later popularised by the Disney Corporation. In addition to ruling in favour of the Disney Corporation's claim against the estate of AA Milne in March 2004, Judge Charles McCoy Jnr added the overriding condition that it was "with prejudice," thereby barring this action from being continued in its current form. This was partially caused by how long copyright protection lasted after an author's death. Despite this, all forms of copyright are explicitly described in Section 102(a) of the US Copyright Act: original works of authorship preserved in a tangible form. Although a 1995 amendment allowed sound recording studios to "perform a copyrighted work publicly by means of a digital audio transmission," which included "non-subscription radio broadcasts," it is interesting to note that, if taken to extremes, owners' copyright laws would be violated when a radio was played in a public place or certain items of interest were emailed to another. Additionally, it was necessary to provide a significant exemption in this statute to shield some computer maintenance and repair activities and boat hull designs from prosecution when performing their professions. However, notwithstanding the issues with copyright laws in the USA, the EU wants firms to see ENISA's role as enabling the most advanced technological infrastructure to reduce their susceptibility to surveillance interception, whether innocently or with malicious purpose. Risk management involvement and agreement to uphold EU Directive-compliant practises across the global supply chain are two ways to ensure business confidence. As a result of the amorphous nature of electronic technology and its unrestrained contribution to too many forms of cybercrime, which continue to pose a threat to all sectors regardless of boundaries, increased cooperation between Member States and, in fact, the entire world, should lessen potential security threats. The expansion of knowledge and the freedom of speech in reaction to the internet's exponential growth have had significant worldwide benefits, but they have also created a possible security danger to everyone's right to privacy and decency. With regard to both defamation and obscenity, the EU's "Country of

Origin" rule, which was introduced in 2002, aims to address the issue of the cross-border internet and overlapping nations' conflicting content regulation rules. This Directive has made an effort to offer some legal guidelines for member states' guidance in the absence of more effective measures, at least until such time as a more effective method can be created.

## **International Copyright Issues:**

Many copyright issues, even those that appear to be of national concern, are actually of global concern. Understanding your own country's copyright rules is important, but it's also important to understand how copyright treaties and global copyright law work when publishing or using anything online. Copyright, like patents and trademarks, is a type of intellectual property.

### **When does the copyright issue arise?**

Many issues that were once domestic copyright issues have become international copyright issues as a result of the internet and the way we use, share, and publish content in our digital environment. A global copyright issue can arise in a variety of circumstances. Many issues that were once domestic copyright issues have become international copyright issues as a result of the internet and the way we use, share, and publish content in our digital environment. A global copyright issue arises in a variety of situations.

- An employee accesses anyone licensed databases while traveling out of the country
- While negotiating a digital license with a vendor/publisher/content owner who's based outside the country
- Joining a journal club allows librarians from multiple countries to share articles (a journal club involves posting articles to a private online space).
- Any content on a website or intranet that will be accessed outside your own country
- Any photograph on Facebook page and someone accesses that photograph from another country
- Any organization has locations or employees in more than one country
- Teaching an online course with students located in more than one country
- Using the content from outside your own country
- Two colleagues use SharePoint to share research papers written by authors from various countries.

## **International Copyright Law and the Berne Copyright Treaty:**

The term "copyright" literally means "right to copy". This article covers the fundamentals of international copyright law in a broad and general sense. Refer to your country's copyright laws for specific information on what rights and privileges exist under your domestic copyright laws.

If your country is a member of the Berne copyright legislation, you will almost certainly have at least the minimum level of protection as per the rules incorporated in the Berne convention, and any exceptions to copyright law will be subject to the "exceptions test" in Berne.

### **❖ Automatic Copyright Protection:**

In all Berne member countries worldwide, copyright protection is automatic with the production of a work in a fixed form (i.e. once the work has taken physical form). This shows that registering with or paying a government copyright office is not necessary for copyright protection. However, there are government channels for voluntary registration where copyright owners can do so and gain access to a number of benefits, particularly when their works are being used unlawfully. Similar to the Berne Convention, none of its signatory nations are required to use the copyright emblem. However, using the copyright symbol is always useful for reminding the audience that a work is copyright protected.

### **❖ Copyright Duration:**

The copyright statute in each nation establishes the term of the copyright. In Canada, for example, copyright is frequently granted for life plus fifty years (50 years after the author's death). It has a life expectancy of 70 years in the United States and the European Union. These general guidelines for copyright duration may differ for particular works and situations. By the first of January 2023, Canada's copyright duration will be changed to life plus seventy. When a term of copyright expires, it enters the "public domain," which means that anyone can freely use, alter, and reproduce it.

## Case Laws:

### 1. **Donoghue vs. Allied Newspaper, Ltd**

According to Justice Farwell, there is no such thing as copyright if the idea, no matter how smart or cunning, is only expressed as an idea without being transformed into words or another form of expression like a play or a picture.<sup>6</sup> You don't have any rights to copyright until something is reduced to writing or another tangible form, and copyright only applies to the specific form of language or, in the case of a picture, the specific form of the image by which the information or idea is communicated to those who are intended to read it or view it.

### 2. **Rogers vs. Koons**

An image of a couple holding a row of puppies was taken by photographer Art Rogers, who later sold the image for use in greeting cards and other items. Internationally known artist Jeff Koon's saw Rogers shot while working on an exhibit about the banality of daily objects and used it to inspire a group of statues. Koon's made a substantial profit when he sold several of these constructions. Rogers filed a copyright lawsuit against Koon's after spotting the copy. In response, Koon's asserted fair use through parody.

#### **Judgment**

The court observed that there was no difference between the two images and said that a "typical person" would be able to identify the copy. Koon's arguments were rejected, and Koons was forced to pay a monetary settlement to Rogers.<sup>7</sup>

### 3. **The Associated Press vs. Fairey**

During President Obama's first presidential campaign in 2008, Shephard Fairey, a well-known street artist, created the Hope poster. The design quickly became associated with Obama's campaign. The Associated Press revealed the photograph on which Fairey allegedly based the design in January 2009 as one shot by AP freelancer Mannie Garcia, with the AP demanding compensation for its use in

---

<sup>6</sup> (1937) 3 Ch. D. 503

<sup>7</sup> 960 F.2d 301 (2d Cir. 1992)

Fairey's work. Fairey responded with a "fair use" defence, claiming that his work did not diminish the value of the original photograph.

### **Judgment**

In January 2011, the artist and the AP press reached a private settlement, which include a split of the work's profits.<sup>8</sup>

#### **4. Express Newspapers plc. Vs. Liverpool Daily Post and Echo plc.**

Random numbers selected by computers for a newspaper competition called 'Millionaire of the Month' were held to be protected by copyright. The court rejected the argument that as there was no human author and therefore the lists of numbers drawn by the computer could not be protected copyright. The court held that human expertise in computer derived works could be found to reside in the programs which produced the lists of random numbers.<sup>9</sup>

#### **5. Entertainment Network (India) Ltd. V. Super Cassette Industries Ltd.**

The Supreme Court observed that copyright creates monopoly in the favor of the author. Copyright also creates a monopoly in the favor of the copyright society. What requires protection is unlawful reproduction of the authors work by others. It is the long period which encourages the authors create works of literature, music and art.<sup>10</sup>

## **CONCLUSION:**

There are various international conventions on copyright that have been discussed here; these conventions show the evolution of copyright law from an international perspective and also aid in the adaptation of copyright laws in various nations; similarly, India has adopted various rules from the international conventions, and the united states has also adopted various rules from the various conventions. The emerging law of the copyright has resulted from conventions held to discuss issues concerning intellectual property rights.

---

<sup>8</sup> Fairey v. Associated Press, 09 Civ. 1123 (AKH) (S.D.N.Y. Aug. 2, 2010)

<sup>9</sup> (1985) 3 ALL ER 680

<sup>10</sup> AIR 2004 Delhi 326, 112 (2004) DLT 549

## **References:**

1. Jyotika “Comparative Analysis of Copyright International Conventions” Pen Acclaims Volume 10, May (2020).
2. Law Teacher “An Analysis of International Copyright Legislation” available at: <https://www.lawteacher.net/free-law-essays/copyright-law/international-copyright-law.php?vref=1>> last visited on 20<sup>th</sup> December 2022).
3. WIPO Copyright Treaty, “Summary of the WIPO Copyright Treaty” available at: [https://www.wipo.int/treaties/en/ip/wct/summary\\_wct.html](https://www.wipo.int/treaties/en/ip/wct/summary_wct.html) last visited on 19<sup>th</sup> December 2022).
4. Copyrights Laws “Introduction to International Copyright Laws” available at: <https://www.copyrightlaws.com/introduction-international-copyright-law/> last visited on 19<sup>th</sup> December 2022.
5. William Fisher “The International Framework of Copyright Law” available at: [https://cyber.harvard.edu/people/tfisher/IP/International\\_Framework.pdf](https://cyber.harvard.edu/people/tfisher/IP/International_Framework.pdf) last visited on 20<sup>th</sup> December 2022.

IJLRA