



Theatre and Intellectual Property Rights – a run-down

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"The theatre is so endlessly fascinating because it's so accidental. It's so much like life" – Arthur Miller. The 14th Mahindra Theatre Awards 2019 (META), as organised by Teamwork Arts and attended by Safir Anand on 12th March got him thinking on how the world of theatre can be protected to retain its originality and elements of innovation be it a script, format, costumes, artwork and much more. His far-reaching views on the significance of Intellectual Property Rights on theatre like any other work/form of artistic expression and how Intellectual Property Rights work hand in glove with theatre in protecting the creativity on which the world of theatre thrives, bring many bearings to the fore. To list a few examples, the following aspects of theatre in conjunction with Intellectual Property Rights need contemplation: • Under the Indian Trademark Act, 1999, the title of a film/play can be registered and protected under Class 41 of the Fourth Schedule of Trademark Rules, 2001. • The music played in a theatre or composed for the theatre could be a subject of copyright, license or collaboration. • The costumes and props used in the theatre including cosplay could be protected as Designs. • The stage set up could be protected as an Intellectual Property. • So should the set of a play equally be protected to avoid passing off. Flashback to one of our 2017 litigations involving the copyright of "sets" The Manganiyar Seduction Case. Read more at <https://www.anandandanand.com/roysten-abel-director-manganiyar-seduction-succeeds-against-copycat/> • Invites to the play, brochures, catalogues can also be protected. • Awards such as META could be protected for name, methodology, trophy, event and uniqueness. Cases of copyright infringement in the West may also be referenced here. For instance, the claims of alleged copyright infringement by Disney against the musical by Entertainment Theatre Group, doing business as American Music Theatre attempting to showcase famous characters and songs like Mary Poppins, The Lion King and Spider-Man.

