Copyright Registration in India – General Insights

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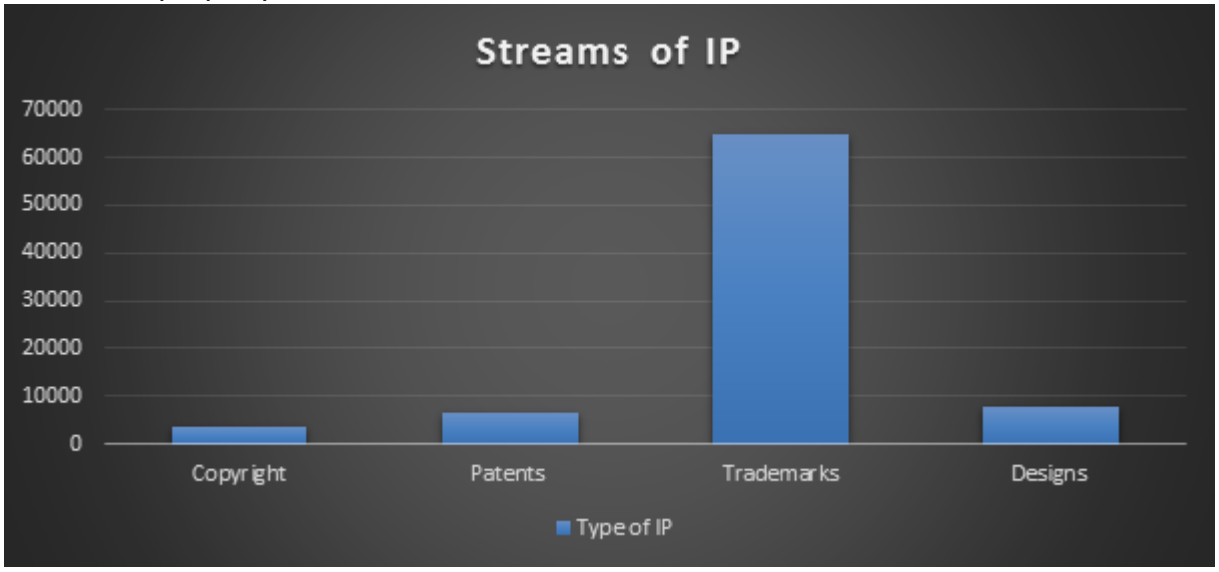
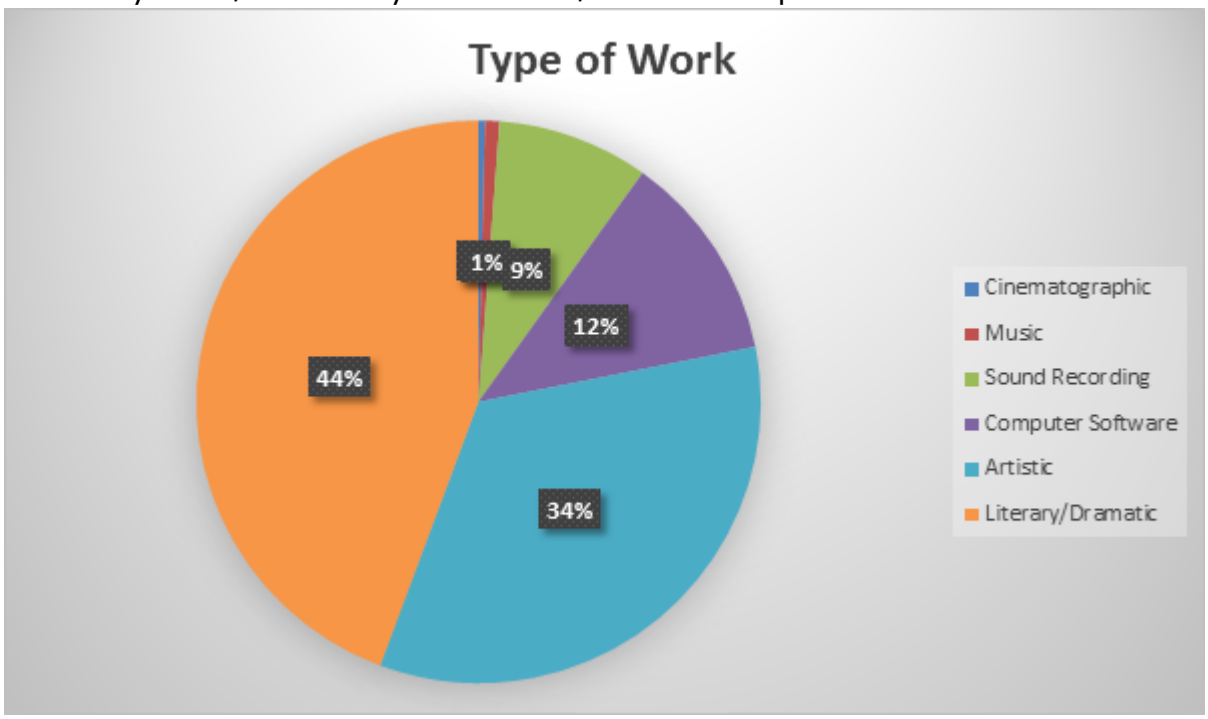
Data. It's a word that gets thrown around quite a bit these days. Whether one is knowledgeable or not on the subject, one learns to nod politely in a conversation on big data or how companies are buying or investing in other companies just to acquire their users/customers. While sheer numbers don't quite excite me, what data reveals can be interesting – more so when it deals with copyright, one of the most interesting streams of intellectual property. The Department of Industrial Promotion and Policy (DIPP) which was handling trademarks, patents and designs took over responsibility for the registration of copyright as well in 2016. Much like their work with the other streams of IP, the new copyright office has now started listing out all the applications received each month, has shortened the processing time of copyright applications and most recently in an effort at transparency, made available all the copyright applications which were registered in 2016 (barring registrations for the month of November). A fair bit of Data! Copyright unlike patents and designs does not require registration for protection, nor does it receive specific statutory protection like trademarks do, when registered. For the uninitiated, trademarks broadly protect words, logos, slogans, sounds and anything that can be graphically represented to set one business apart from another in trade. Patents protect unique inventions which could be products or processes. Copyright protects the arts and designs protect the aesthetic appeal of a product. The 2016 data provided by the Copyright office does have some interesting information about the types of works which are registered, the highest registrants, the profile of the registrants and other such insights. **Trademarks on Top:** There were 3516 copyrights registered over the period of one year in 2016. So how does it stack up against the other streams of IP? Based on the annual report of the Office of the Controller General of Patents, Designs, Trademarks and Geographical Indicators for the year 2015 – 2016 it appears that the copyright registrations are the least with Trademarks clearly the most registered intellectual property.

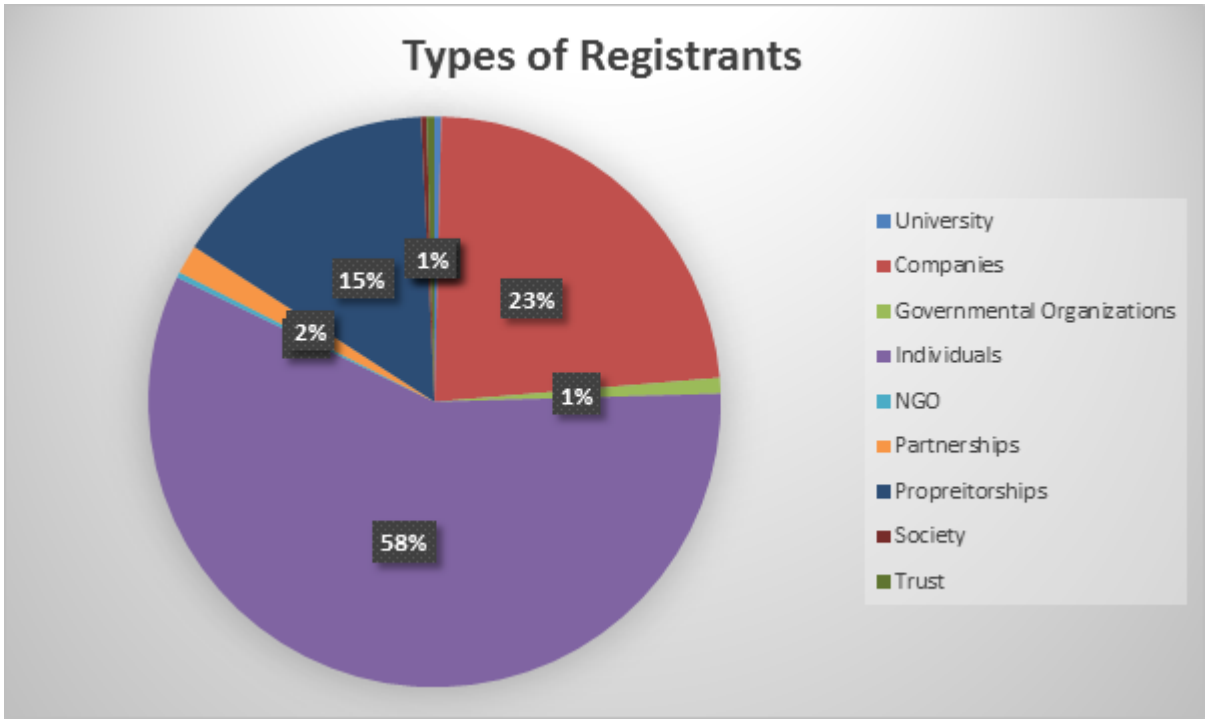


Literature

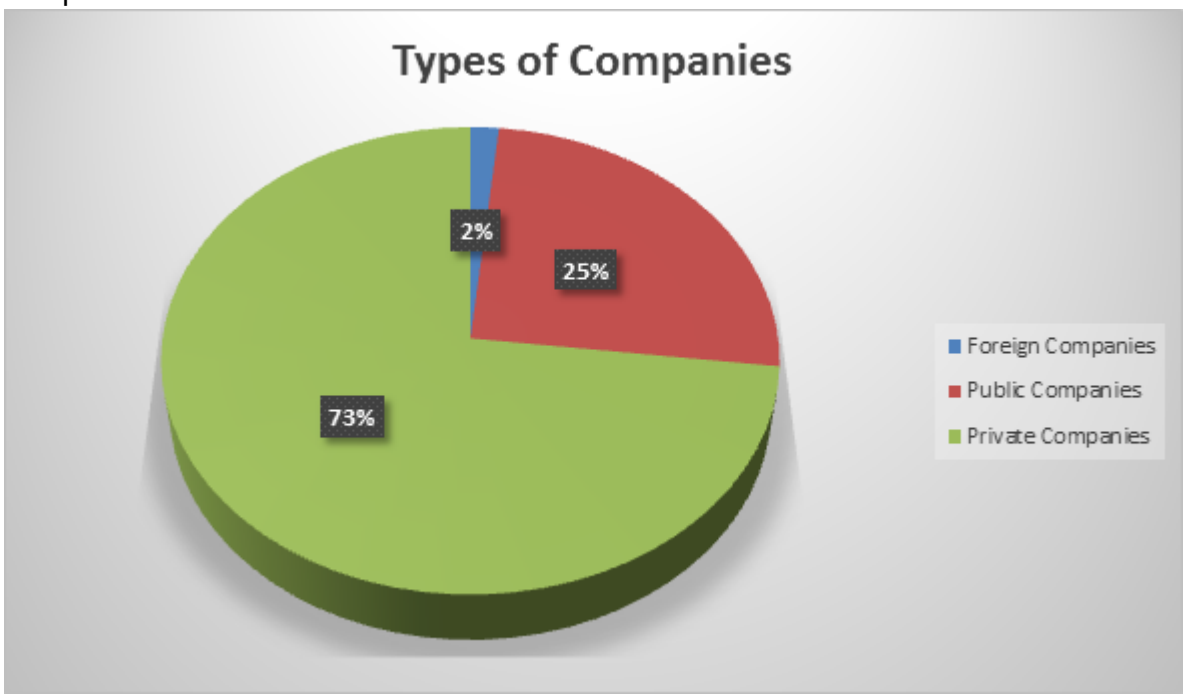
all the way: Copyright exists in literary, artistic, musical works, sound recordings and cinematographic works. In India computer software is also protected under the law of copyright as a literary work. The copyright office has segregated computer software from the rest of the literary which proved to be quite useful. Out of the total registrations the largest number of registrations are for literary works, followed by artistic work, and then computer software.



Given that the statue of Anne, the origin of copyright protection initially protected publishers it is probably no surprise that Literary works are the most common type of work registered. However given that the entertainment business generates a lot of revenue and content each year it was surprising to note that music, sound recordings and cinematographic work together accounted for only 10 percent of the registrations. Software under copyright law can be protected as a literary work (which does not protect the functioning of the software but only the source code). While the need, extent and effectiveness of such protection are usually questioned by a lot of software companies, it is interesting to see that 12 percent of the total registrations last year were for software. **Type of Registrants:** Copyright law in India provides for automatic ownership of the copyright with the authors of the work, barring certain exceptions. While the author is the first owner of the copyright the rights can be assigned and so they end up with different entities. The owners can either be the ones who created the work of ones to whom the works have been assigned to so the registrants can either be individuals or various legal entities.

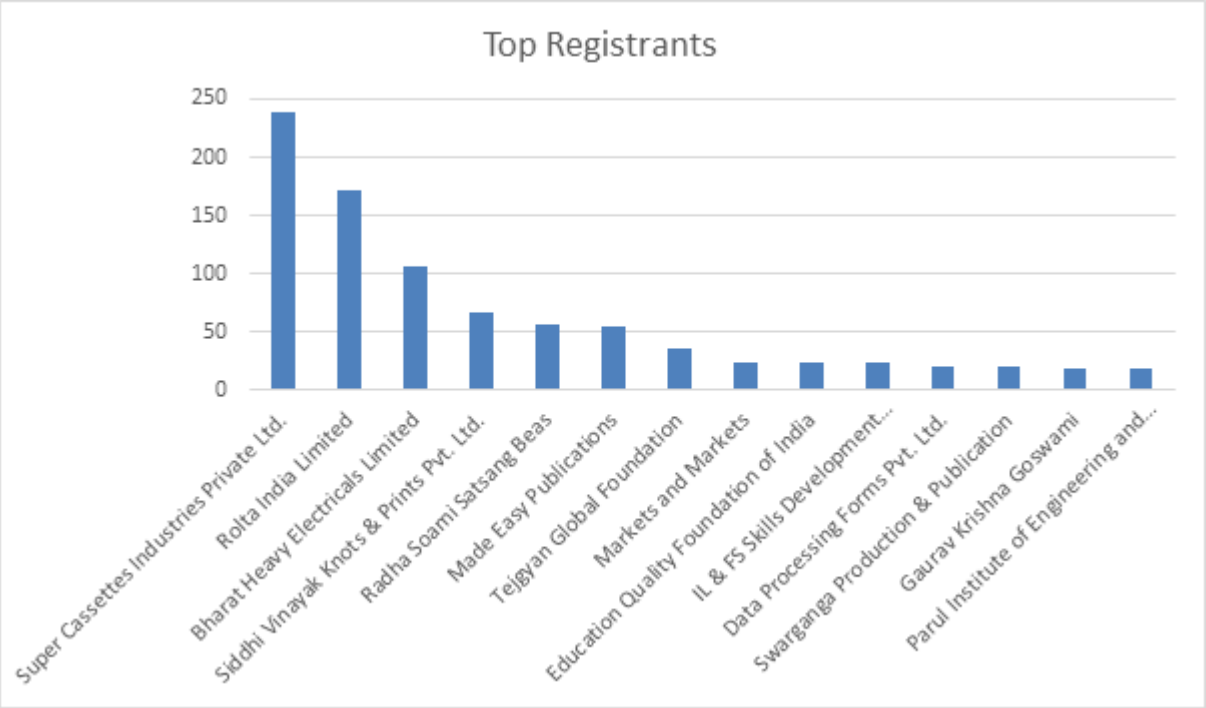


It's interesting to see that the majority of applicants are individuals. While this is closely followed by companies, the margin between companies and various NGO's and Non Profit organizations is not very large. A lot of the literary work registered by NGO's and Non Profit Organizations were spiritual and religious content. It is exciting to see that non-profit organizations are also taking steps to protect their intellectual property. Within the broad categorization of companies, the types of companies are as follows:



A majority of the companies are private limited companies, followed by publicly held companies and about two percent of the companies were incorporated outside India. **T Series leads the way:** One of the most

interesting aspects that the data revealed was the top registrants on account of the volume of registrations for the last year. Super Cassettes (T Series) was the biggest registrant with 238 registrations for individual songs that they had registered in the year. Rolta was second with 172 registrations for computer software that they had created followed by Bharath Heavy Electricals which had 107 registrations most of which were also for software.



Though literary and artistic works formed the highest type of works which were registered, the most prolific registrants were for sound recordings and computer software. The copyright office in its bid to be more transparent has provided us with us some exciting data. The information does provide general trends but also can show rights holders where they stack up against competitors in the industry. While these are the basic insights that the copyright data contained, I will be covering work specific information in the coming weeks. For instance under sound recordings the data does provide us with what percentage of the songs registered are soundtracks of movies and what are stand-alone music albums, the language of the sound recordings and the year that the work was created; *Authored by Navarre Roy*.

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