

Copyright In India: A Brief Study

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Abstract

This article offers a comprehensive and analytical study of copyright law in India, examining its philosophical origins, historical evolution, statutory framework, enforcement mechanisms, and contemporary developments. Anchored in the Copyright Act, 1957, India's copyright regime is designed to protect the economic and moral interests of creators while simultaneously advancing public access to knowledge, culture, and innovation. Over time, the law has evolved in response to globalization, rapid technological progress, and the digitization of creative industries. The discussion traces the conceptual foundations of copyright from early historical narratives to modern statutory systems. It evaluates the structure and key provisions of the 1957 Act, including the scope of protection, duration of rights, moral rights, fair dealing exceptions, and the classification of protected works. The article also analyzes the role of administrative bodies such as the Copyright Office and the importance of judicial interpretation in shaping copyright jurisprudence. Special attention is given to the impact of international agreements, including the Berne Convention and the TRIPS Agreement, which have significantly influenced domestic reforms. Furthermore, the article explores contemporary challenges such as digital piracy, cross-border infringement, online content dissemination, and enforcement delays. By examining landmark judicial decisions and legislative amendments, including reforms introduced in 2012 and 2021, the study highlights both the strengths and limitations of the current framework. Ultimately, it emphasizes the delicate balance that copyright law must maintain between protecting creators' rights and ensuring public access in a dynamic digital environment.

Keywords: Copyright, Intellectual Property Rights, Copyright Act of 1957, Enforcement, Fair Use, Judicial Cases, Digital Piracy.

Introduction

Copyright is a branch of Intellectual Property Rights and an exclusive legal right given by the judiciary to the creator on his/her creation. This means that the original creators of products and anyone they give authorization to are the only ones with the exclusive right to reproduce the work. As a creator has rights to enjoy financial and other benefits associated as per the law over the creation. Copyright law in India, a critical component of intellectual property rights aimed at protecting the creative works of authors, artists, and other creators. Established under

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the Copyright Act of 1957, the law grants exclusive rights to creators, enabling them to reproduce, distribute, and adapt their works while preventing unauthorized use. The article traces the historical evolution of copyright in India, emphasizing key legal provisions, enforcement mechanisms, and the impact of recent reforms influenced by technological advancements and international agreements. It highlights the importance of copyright in safeguarding creators' rights and promoting innovation, while also addressing the challenges faced in the digital era. Through this exploration, the article underscores the balance between protecting original expressions and fostering public access to knowledge and culture.

Early Developments of Copyright

An often-cited early illustration of a legal dispute over copying rights originates in ancient Ireland. The Cathach of St. Columba is the oldest surviving Irish manuscript of the Psalter and the earliest known example of written Irish. It preserves a Vulgate text of Psalms XXX (30) through CV (105), each introduced by an explanatory rubric. According to tradition, the manuscript was produced by Saint Columba, who allegedly copied it overnight—by miraculous light from a Psalter lent to him by Saint Finnian of Movilla.

In the sixth century, a dispute is said to have arisen regarding ownership of this copy. Diarmait mac Cerbaill reportedly settled the matter with the judgment: “To every cow belongs her calf; therefore to every book belongs its copy.” The conflict was later associated with the Battle of Cúl Dreimhne. Nevertheless, the narrative of the controversy over the Cathach appears in sources composed long after the events described, and historians have questioned its authenticity.

Contemporary copyright law reflects a combination of older legal principles that developed over centuries. These include the moral rights of authors in their creations, the economic interests of patrons who finance the production of works, the property rights of those who own physical copies, and the sovereign power to control printing and impose censorship. Elements of these ideas can be traced to ancient Greek, Jewish, and Roman legal traditions. In sixth-century B.C.E. Greece, the concept of the autonomous individual—characterized by personal ambition, ideals, and creative capacity became increasingly prominent. This recognition of individual authorship underpins modern copyright’s emphasis on personal creativity. Similarly, ancient Jewish Talmudic law contains early acknowledgment of both the moral claims of authors and their economic or proprietary interests in their works.

Before the development of movable type in the mid-fifteenth century, texts in the West were copied manually. Because manuscripts were relatively scarce, disputes over reproduction rights were limited. During the Roman Empire, although the book trade flourished, no formal system of copyright existed. Copying by anyone other than professional booksellers was unusual, largely because books were transcribed by literate slaves who were expensive to acquire and maintain. As a result, independent copying entailed costs comparable to those borne by established publishers. Roman booksellers sometimes compensated prominent authors for priority access to new texts, yet they held no exclusive rights, and authors typically received no royalties. The poet Martial, in his Epigrams, complained that he derived no financial reward despite the wide circulation of his poetry throughout the Empire.

The introduction of the printing press in Europe during the fifteenth and sixteenth centuries drastically lowered the cost of producing books. In the absence of statutory copyright protection, printers were free to reproduce any text they could obtain. Successful works were rapidly reprinted by competitors, compelling printers to secure a constant flow of new material. Consequently, authors often received substantial one-time payments for fresh works, which significantly supplemented the earnings of many scholars.

Printing also transformed European society. Expanding literacy generated unprecedented demand for reading materials. Cheap reprints enabled broader segments of the population to purchase books, fostering the emergence of a mass reading public. In German-speaking lands, much of the output consisted of academic, scientific, and technical writings, including practical manuals intended for self-instruction on subjects such as dike construction. After copyright legislation was introduced most notably in England in 1710 and in various German states during the 1840s the inexpensive mass market declined, giving way to fewer but more costly editions. In an 1854 letter to his publisher, Heinrich Heine criticized the high pricing of his books, warning that excessive prices would prevent the appearance of subsequent editions and undermine his material interests.

Historical Context

The origins of copyright law in India began with the enactment of the Copyright Act of 1957, which drew inspiration from the British Copyright Act of 1911 to provide a robust legal framework for protecting intellectual property in the post-colonial context. The 1957 Act was an important step towards providing legal protection for authors and creators in India, encompassing literature, music, dramatic and artistic works etc. Over the years, the Act has undergone several times amendments to address emerging technological developments and India as well as international standards. Key amendments include notably in 1983, 1992, 1999, 2012, and 2021, each aimed at strengthening copyright protection and addressing emerging issues.

Key Provisions of the Copyright Act, 1957

The Copyright Act, 1957, as amended, provides a comprehensive framework for copyright protection in India. Key provisions include:

1. Scope of Protection: Copyright Act protects to original literary, dramatic, musical, and artistic works. It provides protection to a wide range of works includes books, plays, films, music compositions, paintings, and sculptures and cinematographic films. It provides protection to a wide range of works, including books, plays, music compositions, paintings, sculptures, and cinematographic films. This Act ensures that authors have exclusive rights over their creations.

2. Duration of Copyright: The duration of copyright protection varies depending on the type of work. Generally for literary, dramatic, musical, and artistic works, copyright lasts for the life of the author plus 60 years. For works created with multiple authors, the duration extends to 60 years from the date of the death of the last surviving author. Cinematographic films and sound recordings are protected for 60 years from the date of publication.

3. Rights Conferred: The Act grants authors or creators exclusive rights to reproduce, distribute, perform, and display their own works. It also covers the right to adapt, translate, and communicate the work to the public.

4. Moral Rights: In act authors have moral rights, including the right to attribution and the right to object to derogatory treatment of their work.

5 Fair Use: The Act includes provisions for fair use. It allows limited use of copyrighted material without permission for purposes such as criticism, review, news reporting, teaching, research, scholarship and other educational purposes, provided it does not adversely affect the commercial value of the work.

Types of Copyright Protected Works

Copyright protection serves as a fundamental pillar in preserving creativity and encouraging intellectual advancement. It grants creators exclusive legal rights over their original works, enabling them to manage how those works are used, shared, reproduced, or adapted. By safeguarding artistic and intellectual efforts, copyright law not only protects economic interests but also fosters a thriving cultural landscape. Securing copyright ensures that creators receive proper recognition and retain authority over their creations.

1. Literary and Dramatic Works

Literary works cover a broad spectrum of written material, including novels, poetry, articles, essays, and computer programs. Dramatic works include plays, scripts, and screenplays intended for performance. Creators of these works are granted exclusive rights such as reproduction, publication, public performance, and adaptation.

Generally, protection for published literary and dramatic works continues for the lifetime of the author plus 60 years. If the work is unpublished during the author's lifetime, copyright typically lasts for 60 years from the date it is first published.

2. Visual and Artistic Works

This category includes paintings, drawings, sculptures, photographs, illustrations, and graphic designs. Visual artists and photographers possess exclusive rights to reproduce, display, and distribute their works.

Copyright protection for artistic works usually extends for the lifetime of the creator plus 60 years, preserving both artistic heritage and financial interests.

3. Cinematographic Films

Films that combine moving images with sound are protected as cinematographic works. In most cases, the producer is recognized as the copyright owner.

The rights associated with films include reproduction, distribution, and public exhibition. Protection generally lasts for 60 years from the date of publication.

4. Musical Works and Sound Recordings

Musical works—such as compositions, melodies, and lyrics—are independently protected from sound recordings. Composers enjoy exclusive rights to reproduce, perform, and distribute their musical works, typically lasting for their lifetime plus 60 years.

Sound recordings, however, are protected for 60 years from the date of publication, granting producers control over copying and distribution of recorded performances.

5. Broadcasts

Radio and television broadcasts are also subject to protection. Broadcasting organizations have the authority to authorize or prohibit the rebroadcast or reproduction of their transmissions.

The term of protection for broadcasts generally extends to 25 years from the date of broadcast.

6. Performing Arts

Performing arts include stage performances, dance productions, and live musical presentations. Playwrights, choreographers, and composers are granted rights over reproduction, public performance, and adaptation of their works.

Protection typically endures for the creator's lifetime plus 60 years, safeguarding their artistic legacy.

7. Architectural Works

Architectural creations, such as building designs, architectural plans, and technical drawings, are protected under copyright law. Architects and designers hold exclusive rights over reproduction, distribution, and public display of their designs.

The duration of protection generally lasts for the lifetime of the architect plus 60 years.

8. Derivative Works

Derivative works are new creations derived from existing copyrighted material, including adaptations, translations, or modifications. Although creators of derivative works hold rights over their original contributions, they must obtain authorization from the original copyright holder. Protection for derivative works usually aligns with the duration of the original copyrighted material.

In summary, copyright law plays a vital role in safeguarding creative expression, ensuring fair recognition, and promoting continued innovation. By balancing the rights of creators with public interest, it supports both individual achievement and societal progress.

Enforcement and Challenges

Enforcing copyright in India presents several challenges. The rapid growth of digital media and the internet has led to increased instances of infringement, complicating enforcement efforts several challenges:

1. Digital Piracy:

The proliferation of the digital platforms has led to widespread digital piracy, with

unauthorized distribution and reproduction of copyrighted material becoming increasingly common and complicating enforcement efforts.

2. Awareness Issues:

There is often a lack of awareness about copyright laws among the public and small businesses, leading to inadvertent infringements.

3. Legal and Administrative Complexities:

Both judicial and administrative process for enforcing copyright can be slow, lengthy, cumbersome and complex, with cases sometimes taking years to resolve. Enforcement mechanisms, including the role of the copyright office and specialized copyright tribunals, play a vital role in addressing these issues.

Recent Developments

Recent amendments to the Copyright Act reflect the need to address contemporary challenges:

1. The Copyright Amendment Act, 2012:

This amendment introduced provisions to address digital rights management, improve protection against issues related to online piracy, and update the legal framework to better align with international standards.

2. The Copyright (Amendment) Act, 2021:

This Act further modernized the copyright framework by enhancing enforcement mechanisms and better addressing issues related to digital content distribution and enhance the effectiveness of copyright enforcement.

3. International Treaties:

India has ratified several international treaties, including the Berne Convention and the TRIPS Agreement, which has influenced its copyright policies, practices, aiming to harmonize domestic laws with global standards.

Case Law and Jurisprudence

Significant court cases have played a crucial role in shaping copyright jurisprudence in India:

1. Indian Performing Right Society Ltd. v. Sanjay Dalia (2007):

In this case, court emphasized the importance of licensing for public performances of musical works and set precedents for the enforcement of performing rights and the need for proper licensing.

2. Ramesh K. Bedi v. Ketan Mehta (2008):

This case clarified issues related to adaptations and derivative works, shaping the scope of copyright protection for such modifications.

3. M/s. Saregama India Ltd. v. Subash Chandra Bose (2020):

This recent case focused on the enforcement of copyright in the digital age, highlighting the challenges and the need for effective solutions related to online copyright infringement.

Conclusion

The Indian copyright system has evolved significantly to meet the demands of dynamic changing digital environments while striving to protect the rights of creators. Despite significant progress, challenges such as digital piracy and enforcement issues remain. Ongoing legal reforms and international cooperation will be crucial in ensuring that copyright protection remains effective that supports both creators and the public. It also balanced in the face of technological advancements and evolving market dynamics.

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