

The future of copyright in India

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Abstract

The copyright laws in India are set to change as new amendments propose to introduce the anti circumvention and Rights Management Information provisions in India although India is under no obligation to introduce these changes as it is not signatory to WCT or WPPT. The main purpose of these provisions and measures is to prevent piracy, a menace which hits the Indian movie and music industry heavily. India has amended its copyright legislation over the years to accommodate the technological changes and prevent piracy; however, the problem has only escalated over the years. Technological measures impose restrictions on the access to content and impose other restrictions on the use of the same. But piracy has also an effect of creating markets for works and in a way indirectly promotes the work in unknown territories. The critical concern of this paper will be to understand whether these provisions have been actually successful in preventing piracy in other jurisdictions or whether the same have unnecessarily affected the societal value of the copyrights by locking them technically from the society and preventing the society to derive the benefits which the copyright system is meant to provide. Drawing upon these experiences, the paper will consider what steps India should take in considering the flexibilities of the Berne Convention and the TRIPs agreement which enable access to knowledge and information, and prevent similar monopolisation of information and knowledge, and ensure easy access to copyrighted materials in respect of educational, private or general use, particularly given the socio-economic condition of India where digital technology can play a vital role in the coming years.