**E-CONTENT**

**MJMC,  SEM-IV, PAPER-XIV (CC-402)**

**Topic : Ownership of the Copyright**

**Date : 2-02-2020, TIME : 2.00 P.M.-3.00 P.M.**

**PREPARED BY : AMIT KUMAR**

**Ownership of the Copyright**

Generally the author of a work shall be the first owner of the copyright.

The author of a work has the right to claim authorship of the work and to restrain or claim

damages in respect of any distortion, mutilation, modification or other acts in relation to the said work which is done before the expiration of the term of copyright if such distortion, mutilation, modification or other act would be prejudicial to his honour or reputation. Moral rights are available to the authors even after the economic rights are assigned.

The author of a speech is the one generally who delivers it except when the speech is given on

behalf of someone. For example B writes a speech for A. Since A cannot give it personally C delivers it. The author of the speech is Mr. A. The owner may assign anyone or any organization the copyright partially or wholly, the full or part term, with the territorial extent. The assignment of copyright in any work shall also specify the amount of royalty payable, if any, to the author or his legal heirs during the currency of the assignment and the assignment shall be subject to revision, extension or termination on terms mutually agreed upon by the parties. If no specifics are mentioned in the terms, the copyright is understood to be given for five years and within India.

The Copyright Board may cancel an agreement, if there is a complaint from the original

author, and it is proven that the person who has the copyright has not exercised the rights and broke the terms. The author of a work may relinquish all or any of the rights comprised in the copyright in the work by giving notice in the prescribed form to the Registrar of Copyrights.

The owner of the copyright shall have a resale share right, a percentage fixed either by the

parties involved or by the Copyright Board.

**Criteria for Getting a Copyright in India**

In order to qualify for copyright the works, apart from being original, should also satisfy the following conditions, (except in the case of foreign works.):

Ø The work is first published in India.

Ø Where the work is first published outside India the author, at the date of publication

must be a citizen of India. If the publication was made after the author’s death the

author must have been at the time of his death a citizen of India.

Ø In the case of unpublished work the author is on the date of making of the work a

citizen of India or domiciled in India.

Ø In the case of an architectural work of art, the work is located in India.

***Copyright and Journalistic Writings***

In the case of a literary, dramatic or artistic work made by the author in the course of his

employment by the proprietor of a newspaper, magazine or similar periodical under a contract of

service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work. There is no copyright over news. However, there is copyright over the way in which a news item is reported.