

A
SEMINAR ON
INTELLECTUAL PROPERTY
RIGHT: EMPHASIS ON
COPYRIGHT



RESOURCE PERSON:
DR. RABINDRA KUMAR BAL
ASSOCIATE PROFESSOR ,
DINABANDHU SAHOO LAW COLLEGE,
KENDRAPARA

20TH JANUARY 2020

ORGANISED BY:

IQAC
PATTAMUNDAI COLLEGE
PATTAMUNDAI

REPORT

A seminar was organised by IQAC, Pattamundai College, Pattamundai on 20th January 2020 on the topic "**Intellectual Property Right: Emphasis on Copyright**". The resource person of the seminar was Dr. Rabindra Kumar Bal, Associate Professor in Law, Dinabandhu Sahu Law College, Kendrapara. Prof. Pramod Kumar Samal, Reader in History of the college chaired the seminar. Prof. D.K. Bhuyan, HOD Zoology gave a key note address on the topic and welcomed the guests on the dais and the participants. Dr. Panda shared his views about various aspects of property rights and its relevance to copyright in the seminar. 64 no. of students from various departments were participated in the seminar. The meeting was ended with a vote of thanks by Mr. Sarojakanta Nayak, Lecturer in English.

Dushyan Panda
20.01.2020
IQAC Coordinator
IQAC Co-ordinator
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INTELLECTUAL PROPERTY RIGHTS: REMEDIES FOR INFRINGEMENT OF COPYRIGHT

Dr. Rabindra ku. Bal,
Vice-Principal, D.S.Law College,
Kendrapara.

Copyright is an exclusive statutory right of literary (authors, playwrights, poets), musical (composers, musicians), visual (painters, photographers, sculptors), and other artists to control the reproduction, use and disposition of their work.

If any person, without the authorization of the copyright owner, exercises any of the exclusive rights of a copyright owner, as granted and limited by the Copyright Act of the land, is an infringer of copyright. Copyright infringement is determined without regard to the intent or the state of mind of the infringer: "innocent" infringement is infringement nonetheless.

On the internet, Intellectual Property works are in the form of music, literary work images are transformed into the binary language of 0 or 1's. these electronic works are stored in bits and bytes and processed by computers. Similarly, the human-readable content is converted into a machine-readable language. In light of this fact, the digital representation of the work could also mean reproduction of the work itself. Copyright law has also evolved when it is used or read in conjunction with computers and the internet. It is a myth that any work published online carries with it an implied consent that it can be reproduced, modified or circulated to others.

Infringement of Copyright:

As per Section 51 of the Copyright Act, 1957 copyright in a work shall be deemed to be infringed –

- (a) When any person, without a licence granted by the owner of the copyright or the registration of copyright or in contravention on the conditions of licence so granted or of any condition imposed by a competent authority under this Act does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright or permits for profit any place to be used for the communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such a communication to the public would be an infringement of copyright; or

- (b) When any person makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire; or distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or by way of trade exhibits in public, or imports into india, any infringing copies of the work except one copy of any work, for the private and domestic use of the importer. The reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film will be deemed to be an infringing copy.

Essential Ingredients of Infringement

- i) Reproduction of the work in a material form;
- ii) Publication of the work;
- iii) Communication of the work to the public;
- iv) Performance of the work in public;
- v) Making of adaptations and translations of the work and doing any of the acts in relation to a substantial part of the work.

Reliefs in an Action for Infringement of Copyright

The Act provides for civil as well as criminal remedies in case of infringement of copyright. The civil remedies have been incorporated in sections 54 to 61 of the Act. The remedies as to offences relating to infringement of copyright have been prescribed under sections 63 to 70 of the Act. These two types of remedies available to the sufferer of an infringement of copyright are as follows:

Civil remedies for infringement of copyright

Section 55 of the Act provides –

- (1) Where copyright in any work has been infringed, the owner of the copyright shall except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts and otherwise, as are or may be conferred by law for the infringement of a right;

Provided that if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for believing that copyright subsisted in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the court may in the circumstances deem reasonable.

- (2) Where, in the case of literary, dramatic musical or artistic work, a name purporting to be that of the author or the publisher, as the case may be,

appears on copies of the work as published, or in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed unless the contrary is proved, to be the author of the publisher of the work, as the case may be.

- (3) The costs of all parties in any proceeding in respect of the infringement of copyright shall be in the discretion of the court.

Civil remedies include injunction, damages or account of profit, delivery up of infringing copies and damages for conversion. In case of innocent infringement some of these remedies are not available. Where copyright in any work has been infringed, the owner of the copyright is entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right.

Where any person claiming to be owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of an alleged infringement of the copyright, any person aggrieved thereby may, notwithstanding any contained in section 34 of the Specific Relief Act, 1963 institute a declaratory suit that the alleged infringement to which threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit – (i) obtain an injunction against the continuance of such threats; and (ii) recover such damages, if any, as he has sustained by reason of such threats.

In every civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee, the owner of the copyright shall, unless the court otherwise directs, be made a defendant and where such owner is made a defendant, he shall have the right to dispute the claim of the exclusive licensee.

There are two types of damages available to a successful plaintiff, one under section 55 of the Act for infringement and the other under section 58 for conversion. The copyright owner is entitled to treat all infringing copies of his work as if they were his own property. He will have to take civil proceedings for the recovery of possession thereof or in respect of conversion thereof. The plaintiff may also claim special damages for the fragrance of infringement.

The remedy of account of profits is not in addition to the remedy of damages. It is an alternative remedy. The plaintiff has to opt either for damages or for accounts of profit.

As technology advances, entertainment provides are finding it increasingly difficult to find an effective way to protect their IPR and prevent online piracy. Uploading of pirated software is an offence. In a recent case, Microsoft Corporation v Yogesh Popat 2005(118) DLT 580, the Delhi High Court awarded damages to the amount of Rs.23.62 lakh to Microsoft Corporation against Ms. Compton Computers (P) Ltd., New Delhi, its director for uploading pirated software of Microsoft in assembled computers sold by them.

In a recent case decided by Delhi High Court, Super Cassettes Industries Ltd. V. Myspace Inc. & Anr., the court granted a temporary injunction against the defendants in a suit for a permanent injunction against copyright infringement for the unauthorized display of copyrighted songs, films, sound recording of the plaintiff by the defendant on its website.

Under the Indian law the Copyright Act, 1957 confers on the author of work including literary, artistic and cinematographic work the right to prevent a party from unauthorized reproducing, modifying or distributing the copyrighted work. Computer programmes are also protected as copyrighted work and the web page if uniquely designed may be protected as artistic work combined with a literary work or as a trade dress particularly for virtual offices. As the internet has no boundaries, the copyrighted works may be easily infringed online because copyright protection is territory specific.

Criminal remedies for infringement of copyright

Section 63 of the Act declares that any person who knowingly infringes or abets the infringement of the copyright in a work or any other right conferred by the Act except the right conferred by section 53A is liable to be punished with imprisonment for a term not less than six months but extendable upto three years and fine not less than fifty thousand rupees extendable to two lakhs rupees. According to Section 63A if a previous convict repeats the commission of the same or similar offence the minimum period of imprisonment will be one year extendable to three years and fine shall not be less than one lakh rupees which may be extended to two lakhs.

As per Section 63B any person who knowingly makes use on a computer of an infringing copy of a computer programme he shall be punishable with imprisonment for a term which shall not be less than seven days but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

Further Section 64 provides that a police officer of the rank of sub-inspector and above has been empowered to seize, without warrant, all infringing copies of the work and accessories for making infringing copies wherever found, to be produced before a Magistrate.

Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to two years and shall also be liable to fine, as per the provision of Section 65 of the Act.

Dr. Rabinchandra Kumar Baid
Vice-Chancellor
D.S. Law College
Kendrapada.

Seminar on "Intellectual Property Right: Emphasis on Copyright"

Organised by IQAC(20-01-2020)

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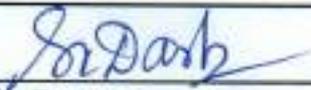
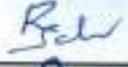
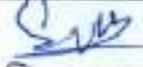
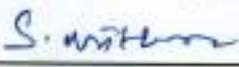
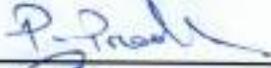
Sl.No	Name of the Student	Roll No	Signature
1	Sangzita Sarangi	BA-18-009	Sangzita Sarangi
2	Archana Bai	BA-18-038	Archana Bai
3	Jayshree Nayak	BA-18-128	Jayshree Nayak
4	Pranali Nayak	BA-18-088	Pranali Nayak
5	Ankita Sahoo	BA-087	Ankita Sahoo
6	Subhasmita Nayak	BA-18-113	Subhasmita Nayak
7	Saasmita Senapati	BA-19-025	Saasmita Senapati
8	Sushree Susharita Mohanty	BS-19-072	Sushree Susharita Mohanty
9	Bijayalaxmi Sandha	BA-19-174	Bijayalaxmi Sandha
10	Dibyanshu Das	BS(B)19-022	D. Das
11	Bikasharanda Sahoo	BS(B)19-023	Bikasharanda Sahoo
12	Sujya Prakash Mohanti	BA-18-164	Sujya Prakash Mohanti
13	Akshya Mahalik	BA-18-168	Akshya Mahalik
14	Srushtideepa Nayak	BS(B)-19-106	Srushtideepa Nayak
15	Shovanita Dabata	BS(B)-19-098	Shovanita Dabata
16	Rashmita Panida	BS(B)-19-029	Rashmita Panida
17	Manisha Routray	BS(B)-19-028	Manisha Routray
18	Subhashree Khuntia	BS-19-108	Subhashree Khuntia
19	Asima Nath	BSCP)-19-30	Asima Nath
20	Srutisudha Mishra	BSCP)-19-014	Srutisudha Mishra
21	Madhusmita Nath	BA19-236	Madhusmita Nath
22	Barsarani Patra	BA19-128	Barsarani Patra
23	Rajasmita Patra	BA-19-046	Rajasmita Patra
24	Preetinibedita Pradhan	BA-19-028	Preetinibedita Pradhan
25	Subhasmita Sahoo	BA-19-063	Subhasmita Sahoo
26	Lipca Sahoo	BA-19-068	Lipca Sahoo
27	Sangita Behera	BA-19-153	Sangita Behera
28	Lekha Malik	BA-19-105	Lekha Malik
29	Sanghamitra Das	BA-19-47	Sanghamitra Das
30	Sushree Sushita Das	BS(B)19-112	Sushree Sushita Das
31	Amisha Panda	BS(P)-19-19	Amisha Panda
32	Sorcede Rekha Das	BS(P)-19-105	Sorcede Rekha Das
33	Bhagyashree Rout	BS(P)-19-111	Bhagyashree Rout

Sl.No	Name of the cadet	Roll No	Signature
34	Satyaranjan Dinda	BA19-003	Satyaranjan Dinda
35	Smritiranyan Pasija	BA19-020	Smritiranyan Pasija
36	Satyaban Rout	BA18-238	Satyaban Rout
37	Bikash Kumar Nayak	BA18-004	Bikash Kumar Nayak
38	Subrat Lenka	BA18-229	Subrat Lenka
39	Bibhredatta Panda	BS18-109	Bibhredatta Panda
40	Prajananda Rath	BS-18-090	Prajananda Rath
41	Bibek Rout	BC-19-186	Bibek Rout
42	Soumyarantou Rout	BC-19-062	Soumya Ranson Rout
43	Abhishek Biswal	BC-19-160	Abhishek Biswal
44	Ranjit Chhadai	BC-19-008	Ranjit Chhadai
45	Soukav Mohanty	BC19-009	Soukav Mohanty
46	Anuprasan Saha	BA18-044	Anuprasan Saha
47	Ashis Pal	BA18-005	Ashis Pal
48	Sunyakanti Bayee	DA-18-014	Sunyakanti Bayee
49	Shakini Singh	BA-18-026	Shakini Singh
50	Kausalya Pal	BA-18-019	Kausalya Pal
51	Balharachi Bhuyan	BA-18-097	Balharachi Bhuyan
52	Madhusmita Tudu	BA-18-095	Madhusmita Tudu
53	subhasmita Nayak	BA-18-223	subhasmita Nayak
54	Abhismeeta Panda	DA-19-252	Abhismeeta Panda
55	Souclamini Sahoo	BA-18-187	Souclamini Sahoo
56	Manaswini Sahoo	BA-18-067	Manaswini Sahoo
57	Jwalyasmita Pradhan	BA18-001	Jwalyasmita Pradhan
58	Namita Patni	BA-18-228	Namita Patni
59	Kajal Tripathy	BC-19-074	Kajal Tripathy
60	Monalisa Biswal	BC-19-070	Monalisa Biswal
61	Sardhanjali Pati	BC-19-067	Sardhanjali pati
62	Pranati Sahoo	BC19-015	Pranati Sahoo
63	Manali Mahakud	BC19-033	Manali Mahakud
64	Soumya Sucharita Panda	BC19-032	Soumya Sucharita Panda
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Seminar on "Intellectual Property Rights: Emphasis on Copyrights"

20th January 2020

Organised by Internal Quality Assurance Cell (IQAC)
PATTAMUNAI COLLEGE, PATTAMUNDAI, KENDRAPARA, ODISHA
ATTENDANCE SHEET OF TEACHERS

Sl.No	Name of the Teacher	Designation	Signature
1	Sanjib Kumar Dash	Reader-in-Comm	
2	Sarat Chandra Das	Reader in English	
3	Jitendra Malik	Asst in-Comm.	
4	Ramesh Kumar Sahu	Reader in Physics	
5	Sarojankanta Nayak	Asst in English	
6	Biswanath Das	Reader in Chem	
7	Subhasis Mishra	Lect in Economics	
8	Pradyumn Pradhan	Lect in Biochem	
9	Nirmala Kumari Saha	Lect in Math	
10	Suresh Kumar Das	Lect Ent and	
11	Amrita K. Das	Reader in Eng	
12			
13			

