

Entrepreneurship and IP Strategy
Professor Gouri Gargate
Rajiv Gandhi Institute of Intellectual Property Law
Indian Institute of Technology, Kharagpur
Lecture 23
Copyright Registration and Entrepreneurship

(Refer Slide Time: 00:15)



A very warm welcome in the 3rd Module of Week 5 of the course, IP Strategy and Entrepreneurship titled Copyright Registration and Entrepreneurship. We are now well aware about the subject matter of copyright. We have seen what are the different types of subject matter that is literary work, music, sound recording, cinematographic film and so on. We have also seen the, what are the related rights. So we are pretty well aware about the subject matter.

We have also seen few other types of IP that is patent and trademark. And as entrepreneur when you should go for patent application, when you should go for trademark application, that idea you have received now. Now considering this copyright, now you have understood what different subject matter of copyright is there. Now how should you go for the registration of copyright?

Now here I will suggest you that for patent registration we have suggested you that patent attorney is important, means you have to take help of patent attorney because patent is a techno-legal document, and you may know the technology in detail but how to present it in the

document with the proper legal language and claim drafting is a very important part of a patent. And therefore we have suggested that we have to take a help of a patent attorney or a patent expert. He may be a patent agent, okay or he may be having both degrees like a patent agent and a lawyer, okay.

Now considering trademark, we will suggest, we have, we will suggest that you can do on yourself trademark registration. Indian Trademark registration if you want to do, you can easily do that particular thing, so that also you have seen. I will say that this copyright registration is most simplest registration when you compare it with a patent and a trademark. So for copyright registration we will suggest you, you will not take help of anybody. You yourself can do this registration.

So for patent it is must, you will require help of an expert, trademark it is your choice but yes, it is pretty well possible that you can do trademark registration on your own but with the copyright, we will suggest, strongly suggest that you will not at all take help of anybody. You yourself will do the copyright registration. It is that simple. So we will see how you can do that thing. So once you go through this module you will be expert in copyright registration, okay.

Now, if you see the copyright related thing that is it is an automatic protection, okay. So here registration is not mandatory thanks to which convention is? Berne Convention, okay. So considering that convention you know that 178 parties are there and you can do the registration, means once you write something or once you create the, what we can say the, any subject matter of a copyright you get automatic registration.

Then why you are going to go for a, that proper registration of a copyright if I am getting automatic protection why I should go for that? So we can suggest that, okay this will be a prima facie evidence in a court of law if any dispute arises related to ownership of a copyright. So that is a second, what we can say, reason that... first reason is like you feel that okay I should register that particular thing and registration is very simple, procedure is very simple.

Fee is also less, so you can go for that. Second is a, if you want, if any dispute arises, obviously this will be a prima facie evidence. Now, next is like a registration is a, it is very valuable to a copyright holder who wishes to take a civil or criminal action against the infringer. So if any infringement case, by what we can say, means what we can say, bad luck or misfortune, if some,

what we can say infringement happens then in that case if you have done the registration that will be very useful.

So it is your choice; if you want to register it or not, but if you want to register, it is very simple and it will be a prima facie evidence. Now further, where you can do the registration?

(Refer Slide Time: 04:41)



So in India if you see, copyright office is only at one place that is at Delhi. So in patent we have seen that 4 locations are there. In trademark, we have seen 5 locations are there, okay. For copyright only one location, that is Delhi. So as per Section 9 of Copyright Act which deals with establishment of a copyright office.

According to it, it is like a, copyright office is under the immediate control of Registrar of Copyrights. So Registrar of Copyright is appointed by whom? He or she will be appointed by a Central Government and who would act under the superintendence and directions of the Central Government.

Now this Copyright Office is located currently, if you can see on the background, the building that is Copyright Office Building and it is nothing but the, what we can say, the Boudhik Sampada Bhavan. It is in Dwarka, Delhi. So this is the location where copyright registration, what we can say, you can do the copyright registration, it is in this office.

Now what is a general structure of a copyright office? So Registrar, then there are Deputy Registrars, then there are Section Officer and then the Examiner. So in this way if you see that copyright office, one place, that is Delhi and the building you are seeing is the, obviously the Boudhik Sampada Bhavan, Dwarka Delhi. Here the registration is, you can do registration of a copyright and currently Shri Singh is a Registrar and Shri Swaroop and Shri Juneja are the Deputy Registrars, okay. Now moving further, what is a procedure?

(Refer Slide Time: 06:40)



So if you see, in short the procedure is like a, first you will file the application, okay. That is a first step. After application you will get the immediately diary number. Now here what the thing is happening, when you are applying for a patent, you will immediately get an application number. Here when you apply for copyright you will get a diary number.

Then the next procedure, we will go in the details but the next step is like a notice, if, by any interested person that notices will be served and if no objection is there, that is a, obviously that registration will happen but if objection is there, then hearing is there and then after hearing registration will happen. So we have to go now in the more details of that particular copyright registration.

(Refer Slide Time: 07:31)



So filing of a copyright, copyright, so what exactly you are doing here? So when you visit on the, obviously all procedure is online. So when you visit the website we will show you how that website looks and where exactly you have to do the registration. So once you do the registration you will get a user id and a password for a login. So you can do the login and then after that, that what you can do that, click on the online copyright registration.

Now when you will click on that online registration form you will have to fill the form and there are a few steps to fill that form. So which form is there? Form 14 is the form which is used for a copyright registration. So what you have to do is that; that I will show you which, how that Form 14 looks, so you can just go through the Form 14, just simple information you have to fill into that Form 14. You have to sign that form.

Then the instructions are given that how exactly you can, scan obviously, there is no requirement of something like digital signature, you can have a simple image of your signature, scan copy and that also you can use as a signature for filing this form, unlike that trademark registration. In trademark registration you require digital signature or in patent filing if you are doing it online, you require a digital signature. In copyright it is not required.

Then you have to fill up the statement of certain that particulars are there. And then after filling that particular, about that, the questions or, that two columns are there, and according to

whatever the information is asked you have to just write down across that particular column that okay, this, this, this information according to the, the information whatever is there, required in the form, you have to just write down that particular thing.

And then what you have to do is, like you have to specify that which subject matter you want to register, so all that information you will add into that form. And then you have to do the payment. So how much payment you have to do, we will see that, how much fee you have to give for that particular registration and from where will you get that information that also we will show you on the website.

So that way, you whatever your, because we have a different kind of a subject matters in copyright, fee is changing. It is not like a patent, patent only 3 categories are there and accordingly the fee structure is, what we can say, you can see that fee structure, but in copyright little bit variation is there and therefore we will show you where exactly that, you will find that how much fee you have to give for the registration.

Now after doing all this activity, that form filling and then you have done the payment you can do the submission and once you do the submission you will get the diary number. So it is just like a application number; recall when you do the patent registration you are getting the application number, here you are getting a diary number, okay.

Now along with that, means once you fill that form, do the payment, you have to upload the work which you are going to register and so, suppose artistic work is, you have to upload a PDF form or a JPEG form so that particular format is expected and you can just upload that and they have given the suggestions that okay the file should not be more than 5 Mb. So in that way you have to manage the, what we can say, the first part of that application.

Now in that same point I will elaborate little more, that you have filled the details, submitted the form. Then you have to remember that for each work you have to give a separate form. It is just like a, although one trademark, I am just relating it with a trademark or patent whenever it is, I can make a differentiation so that you can just remember the differences between patent, copyright and a trademark because we have just dealt with this.

We are dealing with copyright now, you have dealt with patent and trademark. We have to still deal, see that what is industrial design, okay? So here what I am saying is that, when you are doing the registration here, for each work you have to do the separate, what we can say, separate form you have to submit. It is just like a, for a trademark. Trademark we have seen, there are 45 classes.

And in that 45 classes what you are doing? If you want to register your trademark in one class, you are giving particular fee. If you have to register that particular trademark in more than one class, again you have to give the separate fee. So one class, one trade mark that will be considered as one application.

Here same thing, one work and one application, and that accordingly you have to give the payment or whatever the registration fee is there. Now after that, means you have to, application you have, obviously you will sign that thing. This I will say that it will not apply to you. But I am assuming that you yourself are, if you are filing that copyright, you yourself will file that copyright.

So you will not require power of attorney to be signed and all that thing but due to some, what we can say, busy schedule if you could not spend time on that particular registration procedure and if you have given that work to someone else then obviously you have to give the power of attorney to the agent or advocate to whom you have given that task of registration of a copyright, okay.

Then obviously you will do the fee, whatever if fee is, if online that online mode you can follow or you can give a demand draft also. Suppose if you are doing the physical filing in Delhi, you can give demand draft also. Or postal order also, Indian Postal Order also accepted by the office.

Now what exactly you have to submit, now you have understood Form 14 is there, registration fee is there. Then signature is there. You have understood this thing and you have understood also this thing that okay, each work is a separate work and I have to give a separate fee and separate form for that registration.

Now further. For, what we can say, when you will submit the form, you have to give 2 copies of work, whatever the work is. Suppose if you have a literary work, you can give a PDF, that 2

copies of PDF you have to submit, in that way. So 2 copies of work you have to give. It is like a checklist. You have already, if you are doing physical filing, DD or IPO is there.

Then if you are not an author and you are filing that particular thing then NOC from author is required. Then sometimes you will require NOC from publisher if it is a book and you have published it through some publisher then that NOC is also required. Then search certificate from the trademark office that is one important thing. Suppose the work is related to some goods and some trademark registration is there then you have to give the search certificate from a trademark office.

Then if it is photograph then you have to give the NOC from a person whose photograph appears on the work. So if some photograph of someone else is there, although you have clicked that thing but the photograph is of some other person, NOC from that person is also required, then power of attorney if you are giving it through the, say, the advocate.

Now we will go to the next thing. If there is an objection what will happen? Examiner will send a letter to both parties. Now reply, once the parties will receive that letter, reply from both parties is expected, and if required obviously there will be a hearing by Registrar. Now here again, please remember that everything is online. So here you can do the online hearing. So no need to visit office, it will be online.

Then if, after hearing that application is, there may be, it may be accepted, it may not be accepted. So suppose now the application is a, if rejected, obviously that will not go further. But if it is accepted what the thing will happen? You can see that examiner will start the examination. So scrutiny will be started.

Now in the scrutiny if some discrepancy is there, and what will happen? That Examiner will send the letter to the applicant. Applicant will give reply and after that, means what will happen, if reply is giving the details then after that there may be hearing or may not be hearing, and after hearing what will happen?

The, if there may be a, if Registrar satisfies that discrepancy is now, what we can say, the applicant has given the clarification about that thing, then what may happen that, it will be, if it is okay then it will be accepted. And then the registration will happen. If there are any

discrepancies and if sufficient details are not received by Registrar, obviously what will happen, that will be rejected.

So in this way what is going to happen, just I summarize this whole process, we have seen that, that there will be a filing, then diary number will be received, then there will be the, if there is any objection then what will happen, that examiner will means send the letter to both the parties. Both the parties will give reply. If that reply is sufficient that is fine otherwise there will be hearing. After hearing, it may be accepted, it may be rejected. If rejected, the matter is closed.

If it is accepted, further scrutiny by the examiner will start. After that examination if discrepancy is there, examiner will communicate with the applicant. Applicant will satisfy the, whatever the queries are there and once that queries are satisfied, what the thing will happen, that after that, all the, what we can say, you have given the reply, and after that reply, there may be requirement of, what we can say, the hearing. That hearing will be there and after hearing what will happen, that there will be registration of a copyright.

So this complete procedure will be followed when we are talking about registration of copyright. This complete procedure will be followed.

(Refer Slide Time: 19:18)



In the copyright filing you have just seen the procedure now. So Form XIV is there. For your convenience what we are doing, that we are hosting this Form XIV in the reading material folder.

You can just go through that Form XIV. You can see the what information is required when you are filing that copy, online copyright registration whenever you are doing, this, whenever if you have filled that form it will be easier for you to copy paste the information and that procedure will be easier for you.

(Refer Slide Time: 19:52)

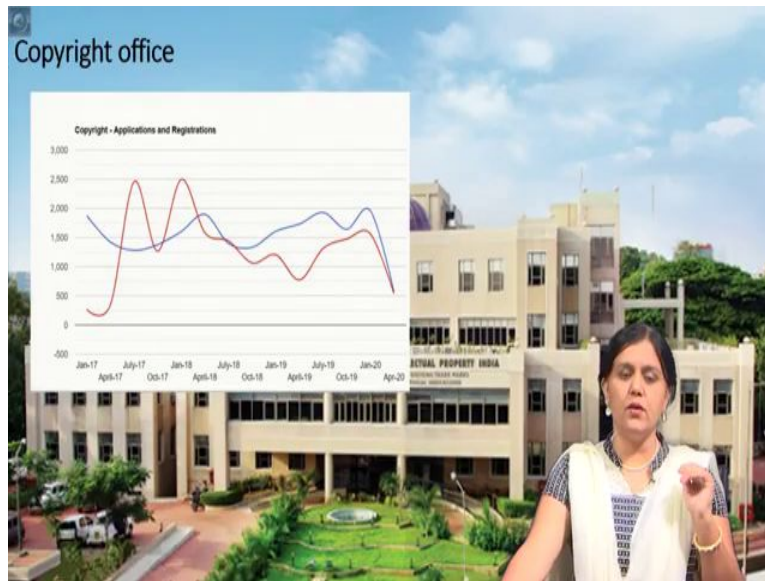
Copyright filing – E-Register

E-Register: April, 2020

S.No.	Diary No.	ROC No.	Date	Title of Work	Category	Applicant
1	964/2020-CDL	L-90623/2020	27-04-2020	Air Team Theory	Literary/ Dramatic	Shahar Pawar
2	1008/2020-CDL	L-90624/2020	27-04-2020	The Real Time Evidence Grabber System for Crime Control	Literary/ Dramatic	Abhimanyu Ramesh Pappu Gourav Bala Manuvelkar ,Hemanshu Chandrashekar Kale ,Mohammed Murad Dharar ,Prof Aniket Bheer ,Ajay Rajkumar Sahane
3	1011/2020-CDL	L-90625/2020	27-04-2020	JIS JAGAN TUM MILO	Literary/ Dramatic	MANJOT SINGH
4	1022/2020-CDL	L-90626/2020	27-04-2020	Lead Stem Citizenship	Literary/ Dramatic	Exemplar Education Linkers Foundation
5	1027/2020-CDL	L-90627/2020	27-04-2020	ARTIFICIAL INTELLIGENCE INTEGRATED WITH GSTAC CODE	Literary/ Dramatic	PAVAN KELLA
6	1117/2020-CDL	A-133549/2020	27-04-2020	BIG SHOPPERS SHOP YOUR DREAMS	Artistic	M/S. SATNAAM GROUP
7	1118/2020-CDL	A-133550/2020	27-04-2020	GIRI POHA	Artistic	M/S. GOVIND RAM RAMISH KUMAR
8	1119/2020-CDL	A-133551/2020	27-04-2020	AMRIT VARSHA	Artistic	M/S. MAHAVIR TEA

Now next, that is a copyright E-register. So whenever you do the registration, where you will get the information that okay, so online you can see the E-register is there. Now in E-register, what information you can get, you can see on the screen, that there is a serial number, then there is a diary number, then there is ROC number, Registration of Copyright. Then you can see the date also and you can see the title of work also, and along with the category. And the, obviously the applicant details.

(Refer Slide Time: 20:30)



Now moving further we will see little bit details that how exactly the copyright registration is happening. So if you take the applications only for one month, say April 2020, there are total like 571, you can see the applications are there and in May, applications are 716. How many registrations are there? You just understand difference between application and registration. We have already seen, in the patent application is there and then when patent granted is there, we say okay, patent granted.

So patent application, patent, similarly here copyright application is there and then the copyright registration. So we have just seen that in the April month there are total 571 applications and how many registrations are there? 540 registrations are there. In May, applications; May 2020 applications, total applications 716 and total registrations; 687.

Now in that, in that graph only, if you see, if you want to know what is the status of that copyright? So here there are various, what we can say, the status that it is, what we can say, suppose for example, it was like a payment accepted and application in a mandatory waiting period. We have already seen that 30 months is a mandatory period.

That after filing, 30 months, just like in patent 18 months are there, these are the, that, during that period publication of patent will not happen. Similarly here, a waiting period is there, that is of 30 days. And if that 30 days waiting period, your application is in that window, the status online

if you try to understand, we will see where you can check that status that status will be shown as a waiting.

Then you can see the status like work awaited, the meaning is like work yet to be received. Or sometimes you see the status as documents not received, formality check failed, something like that status is there. The meaning is like documents or works are not received only after making a payment, means payment is successful but the documents are not received. Abandoned, as name suggests that there may be reply to discrepancy letter is not received. And because of that, that application may be abandoned.

Then if the scrutiny procedure, we have seen that after the application if there is no objection, examination will start, that is a scrutiny. If that process is going on, status is like a scrutiny. Then if, after scrutiny, if discrepancy is there, so the, some, what we can say, application is not just complete format and some query is there then there will be like a, like discrepant, that kind of status is there, okay.

And so this, this kind of different status are available on the, on online, hearing status means if hearing on objections is there, then status will be hearing. Okay, this kind of words or this kind of status, I should not say word, it is a status, that is okay hearing or pending for hearing or risk scrutiny or discrepant, all this kind of a, these are a different kind of a status you can see online after the registration. So you have a diary number, you know who is applicant, so by using that particular thing you can check that what is, under what stage now my application is. Now the next is like a fees.

(Refer Slide Time: 24:26)



Now how much fees you have to pay for a registration? Now if you see on the screen here, that fees, it is very minor you can say. If it is literary, dramatic, musical or artistic work is there it is just 500 rupees. So for that you have to just give 500 Rupees, if cinematographic film is there, little higher amount, it is of 5000, and if it is a sound recording, it is a 2000. So if I compare it with a patent, it is like a, if 500 there it is only 1650 if it is online, right, individual I am talking. Or in trademark it is 4500. So you can just compare the fee, government fee for a registration, okay.

Now if you want to go in more details that okay suppose you have already done the registration of a some literary work and you have to do registration now with a literary work related to some goods, so trademark-related aspect is coming, then that fees are little higher, something around 2000.

So how much fee you have to pay, that fee schedule is already hosted on a website. If required or if you want that we will host it in the reading material also. So you can go through the, how much fee is, you have to pay and accordingly you can, what we can say, either you can take out DD if you are doing it physical filing or you can do the online mode.

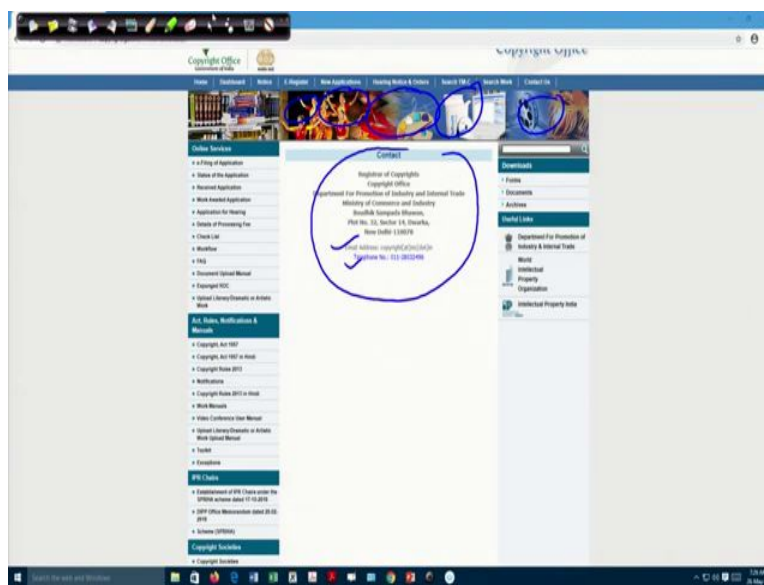
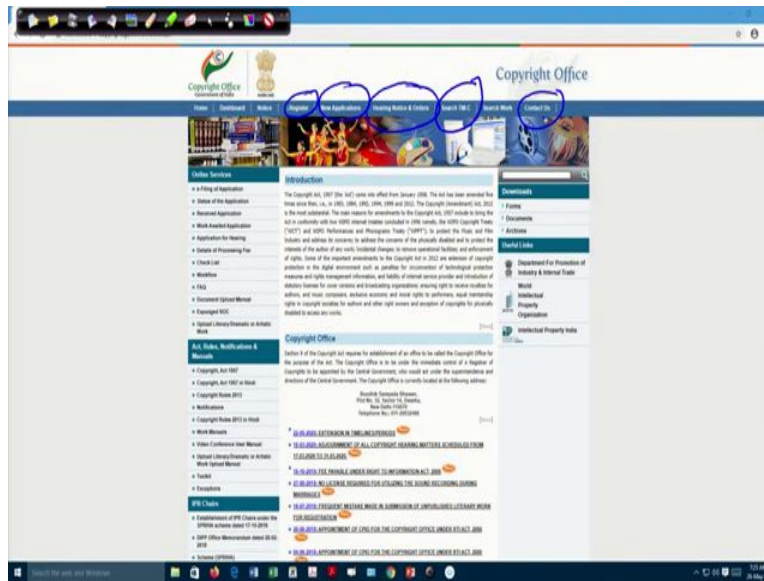
So we will host that Form XIV also and how much fee you have to pay, that details also we will host in the reading material. Now how after that, means suppose you have done the, given the fee and you have done the registration. How that certificate looks?

(Refer Slide Time: 26:18)



So here you can see on the screen, this is how the, this certificate that copyright registration certificate looks like. So once that registration, that whole scrutiny will completed, once it is completed, you will get the certificate like this, that your copyright registration is completed and this is the number and you will get that particular number. So now what we will do, that we will see that copyright office website.

(Refer Slide Time: 26:47)



Now this is how the copyright office website looks. So what you have to do is just type in Google that Copyright Office India and you can visit this site. Now here you can see the e-register is there. We have already seen what that E-register is there. E-register, then new application point is here, then any hearing notice is there this tab is there, and then we have seen that TM related copyright if it is there that search you can do here.

And contact address we have already shown you that, the building you have already seen, it is in Dwarka, Delhi, that address is here if you want to contact the office by post, then you can contact

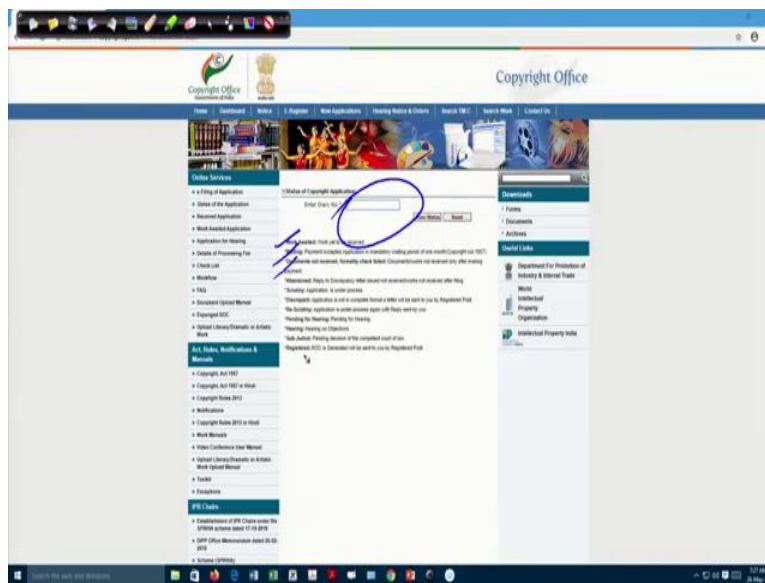
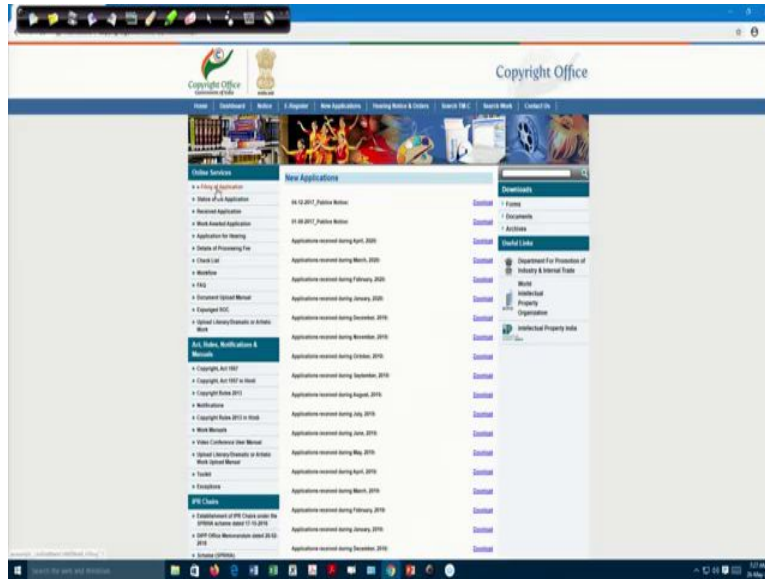
through post by this. Phone number is also there. Here you can see the contact and here the email id and the telephone number is there.

(Refer Slide Time: 27:43)



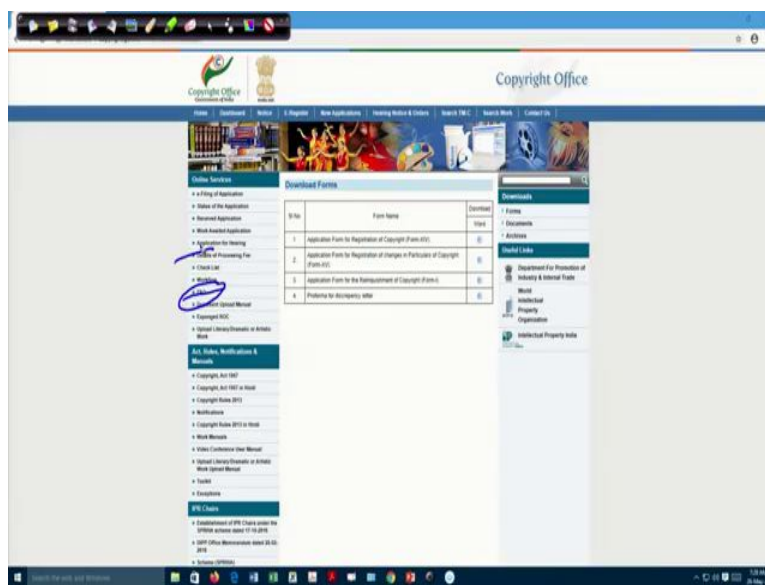
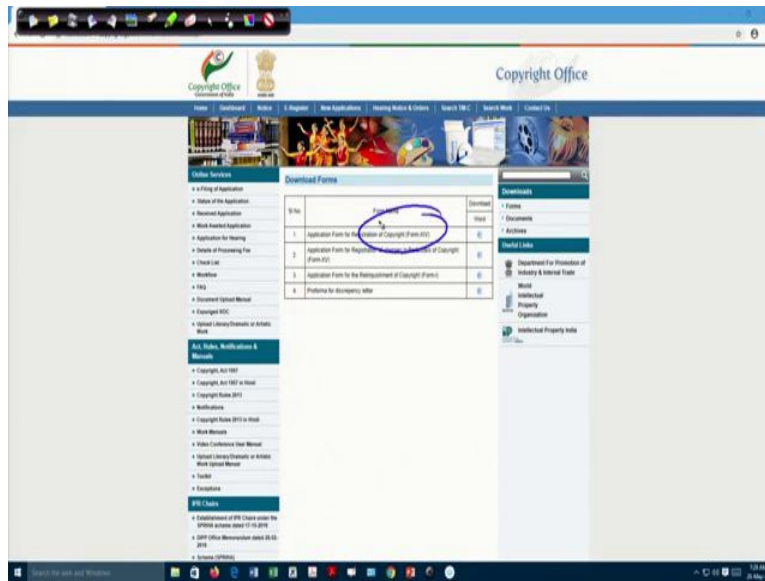
Now we will go to E-filing application. Now here if you see the E-filing application we have seen, here you have to do the registration, user id and password. So here user registration is there, this window you can use for that registration. And here the details are given, that how exactly you have to go for that particular registration. So this is the, this is the login, login web page and here you can do the registration.

(Refer Slide Time: 28:19)



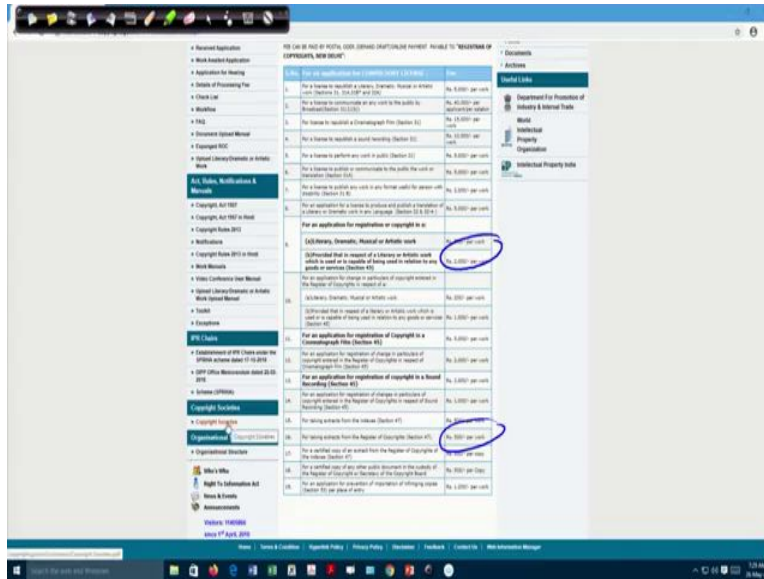
Then moving further you can see the, here, check now this particular thing that E-filing is done then status of application. So you have received some diary number. You can put that diary number here and after putting that diary number here you can get the status. And here below, that work awaited, waiting, documents not received, that meaning of whatever the status will come, that meaning is mentioned here.

(Refer Slide Time: 29:07)



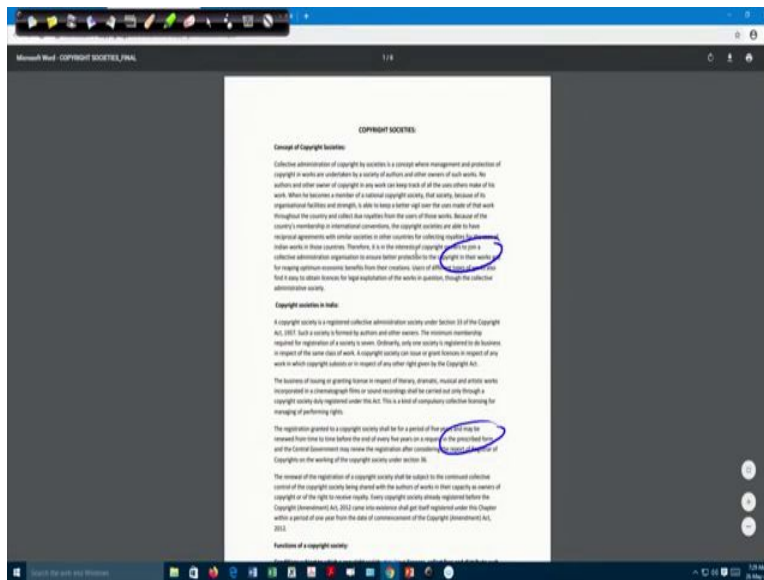
Now if you go on to this side that is the forms, if you see that forms, here you can see the Form XIV, okay. So here is that form. Okay, then what else you will like to know is, suppose you stuck somewhere and you want to know little bit details here are the FAQs. So site itself is a self-explanatory. Then further thing is like details of processing fee.

(Refer Slide Time: 29:53)



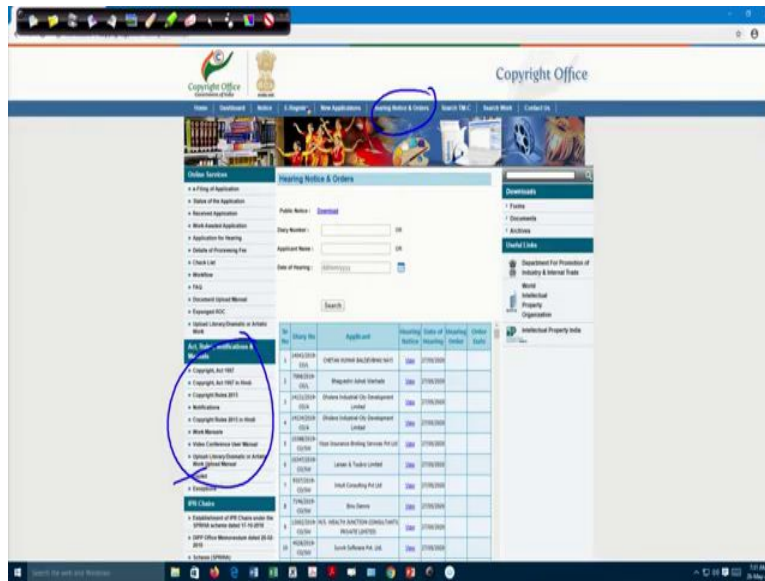
So how much fee you have to pay, that particular thing you can check it here. So this is the window. You can just go through the details and you can see here how much fee you have to pay for that particular literary work. So you can just go into the details here and you can see how much fee you have to pay.

(Refer Slide Time: 30:22)



Then we have seen something about copyright societies, that information also is given here and you can check that, what that copyright societies are. So that details also you can see here.

(Refer Slide Time: 30:35)



This hearing notice related information is there. Then all copyright acts are here. Toolkit is also given. So it is, site is well, what we can say, self-explanatory and you can just go through this site and you can do the registration by using this site. So you just open this site and you just click on the tabs and you can get the pretty well that information.

So you have just seen that how the website of a, this copyright office, that covers most of the information is covered there. It gives you the registration window, then how to do application, that forms, fees, copyright societies then the, what we can say, the status check, everything is there online available and it is a very simple user-friendly website. So you can do easily copyright registration by using the website.

Two things you will require to know, that is Form XIV and how much fee. Both the documents we will host in the folder, that reading material folder and also whenever you will visit this site, you will get that information, okay. So now we will move and check one video.

(Refer Slide Time: 31:54)



So if you see this video, now what this video is about, up to the time you have seen as what is the subject matter of copyright, what are the related rights, how you can do the registration of copyright, okay? Now as technology is emerging we are pretty well aware that with artificial intelligence that computers are also creating the, what we can say, some, the subject matter whatever of copyright is there, that is created by a computers also.

So whether computers can be considered as an author of copyright, that is a question. Means in next module we are touching upon the infringement so before going to that I would like you to just think on the emerging technologies and copyright. The major challenges when we are talking about a copyright or major, what we can say, issues which will arise is like this.

There is a very famous monkey case actually. We say that, as per author, who is an author for photograph? You remember that? So yeah, photographer is an author for a photograph. So he is an owner, he or she is an owner. Now this case, monkey case is like this, that monkey he has taken a camera and he himself has, he was just playing with that camera and it, that camera, that click, click button get pushed because of that when he, that monkey was just, because of curiosity probably he was just playing with that camera and that photograph get clicked.

So it is like selfie of a monkey. And that was a very popular case. As this is clicked by a monkey whether monkey will be the owner, as he is a photographer there, so whether he is an owner of

this copyright, so that case is a very popular case. So that kind of issues, what we can say, these are coming and with artificial intelligence the issue is like this. That if computer create a painting who will be the owner, or who is an author of that copyright?

So this video is giving you, idea about that particular thing. And suppose you are a technology entrepreneur and if you are creating something which is a subject matter of copyright, probably this kind of issues or this kind of conflict or this kind of dilemma probably you will face. So you just watch this video and check how it is, what is a opinion. It is, the deliberations are going on and it is like, still, means monkey case is over that decision came. But with AI some issues are still, what we can say, for that the answers are not there and it is under consideration or it is under deliberations. So you just watch this video.

(Refer video from 35:00 to 35:46)



Voiceover: Harold Cohen's programs make drawings; drawings made completely by the computer. This is in the case of computer aided art making. Harold Cohen has been an artist and computer scientist for over 20 years. I talked with him in his studio in Santiago on the University of California campus where he has developed his own expert system to create original art.

Okay, so you probably get idea that how artificial intelligence and copyright means IP and this artificial intelligence, because with patent also some issues are, till, that mean, drafting patent some issues, some rather I will say, more issues are coming and that is like, what we can say,

some guidelines are required. Some countries have already given some guidelines. Okay we will not go in details of that.

In this video what was the main issue, like with artificial intelligence, if computer or if that non-living entity, it creates something, how that can be protected? That is a, what we can say, that is a deliberation, some deliberation, some pondering is there. This is a blog you can just go through also.

So with the emerging technologies, what you can see that if you are entrepreneur and checking with emerging technologies, if you are dealing with emerging technologies, we have to see that IP laws, may be patent, may be trademark, may be copyright, may be industrial design, what is effect of that emerging technologies on the IP. Especially it is affecting patent and copyright than the trademark or industrial design.

So this patent and copyright, among these 4 important types , patent because how you can do the drafting and how that will be considered, whether that will be considered, because mostly it is computer-related work and how you can consider it as a, Section 3 come into picture , so we will not go in detail but I am just giving you the issues which, as a lawyer or as a IP person, IP researcher, that researcher has to think that what should be the guideline for that particular kind of invention.

How that can be protected. So that much deliberations already happened and it is still going on, some patent offices is already given the directions. Similarly when we are talking about a copyright. Copyright different subject matters are there. Creativity is like a, you can see that whole plethora of creative work is considered under a copyright.

Now if this is so, how... already some grey areas are there in copyright, and above that if challenges like this, emerging technology brings challenges or monkey case like scenario is there, this is like a what we can say, it becomes very challenging in the court of law that how the decision, particular decision can be given on that particular matter.

And at that time role of IP researcher is very important and that strong deliberations on that subject matter and if there is any requirement of amendments in the Act or if there is requirement

of some guidelines or if there is requirement of a policy that kind of a, what we can say, the documents or deliberations or thought process, that is necessary, actually.

So with this actually, in this module you have seen that how you can go for the registration and I emphasize again, for copyright registration, no, there is not at all requirement of any agent or any advocate. You yourself can do the registration and it is very simple and you can do on your own this procedure. And you have seen the website, how exactly that website looks and how you have to follow that thing.

So with this we are coming to the end of this module. In the next module we are going to see what is, how that copyright infringement, what is copyright infringement and what are the remedies for that particular, if copyright infringement happens what are the remedies. Thank you.

(Refer Slide Time: 40:04)

