

Entrepreneurship and IP Strategy
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Lecture 25
Case Study IV – Film Industry

A very warm welcome in the 5th Module of Week 5 of the course Entrepreneurship and IP Strategy titled Case Study-4 Film Industry. We know copyright is the main IP when we think of film industry and publishing industry. We have gone through the details of copyright in this week. We have seen the definition, subject matter then what is copyright and related rights then what is copyright registration, how you should go for copyright registration and then we have seen the copyright infringement and now we are concentrating on this case study film industry related case study.

First case study was related to Google, second was Bio-con and keeping in mind a trademark focus we have seen the third case study that is of the Arvind Mills. Now in the patent week there was no case study because there is a capsule version and you if you have gone through that week 4 you have seen that it is a little bit compared to other weeks it is little bit heavy because of that patent strategies.

And then there is a patent infringement it is a little bit longer video but we thought that we should give complete information which is necessary for you to patent infringement as well as patent strategies and then the next the other video which is having the references of a RFPC so I thought that yes as it is little bit so much content is there we should not burden you without more case study. So we have just avoided case study there and now in this fifth week we are giving you this the next that is a fourth case study that is related to the film industry.

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Now this copyright when we are talking about, this copyright we have already seen that it contains literary work. I just give you the that information whatever we have seen in the module one that is we have seen that what is literary work, musical work, dramatic works, then pantomimes and choreographic works, then motion pictures and other audio visual works, sound recording all these things along with that architectural work.

Then pictorial graphical and sculptural work, everything we have seen and we have seen the examples of that and then also we have seen that if this is the kind of copyright material or a subject matter who is the owner of that particular copyright.

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And the examples are like for literary or grammatical work author of the work is the owner. Then for musical work composer of the music, for artistic work artist is the owner, for photograph the person who is taking the photograph.

And then for cinematographic film owner of the film at the time of its completion he will be the what we can say the owner for that cinematographic film and when we are talking about a record we have seen that owner of the original plate from which the record is made at the time of making the plate he is like an owner of that particular that record that is these are the authors and authors are the owner for that particular type of a copyright.

4 IPs whatever we have seen that is a trademark, patent, copyright and next week we are going to see industrial design.

Among these four what we can say the types of IP copyright registration is the most simplest one and we have seen the that procedure for that and it is expected that any copyright related filing is there you yourself is able to do that registration after going through this module.

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Now moving further what we have seen is like that infringement related issues and along with copyright we have given you a little bit idea about open source that licenses and this this is like a related to the creative commons licenses.

So we have to remember that yes we are supporting copyright but obviously there is the opposite exactly opposite that we say that sometimes copy left or the open source activities are there or open source that literary material or any other kind of a copyrighted material if it is open source it is free to use in the by anybody means there is no right of that particular right is like the particular person individual or organization is not owning that particular thing but it is available to public. So up to this we have seen that this is like something related to copyright which is expected you should know.

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Now the thing like okay copyright you have received that thing what are the rights along with copyright when we say copyright is there what rights you are getting? You are getting economic rights and moral rights. So what are the economic rights; that is the reproduction right, distribution right, modification right, public performance right, public display right.

So for example if I give you the example suppose you have created a small film and you have done, developed that you have recorded that particular film say 5 minute film is there. You have the right to do the copies of that you can distribute it anywhere and Berne convention is there anywhere you can distribute that particular thing. You can modify that particular creation according to your wish nobody is going to object you.

Then public performance of that particular creation you can do according to your wish and public display in any exhibition or some other kind of public what we can say display is there you can do that thing as you are the owner of that particular creation and by this kind of activities you can earn wealth or you can earn that particular what whatever the amount you want to charge for that particular activity you can charge that particular thing you can create wealth out of that particular copyright.

And so we can say that yes it is giving you the economic right. And the second right is a moral right we have to remember that the this is the most important right that whenever suppose you are a creator of that particular work and you transfer your ownership supposed to X person. So your ownership you are transferring but we have to remember that although you are transferring that ownership moral rights are always with the owner.

So that is a wonderful part about the copyright and therefore if that some unexpected or kind of changes if you are not comfortable with that changes if that particular party to whom you have transferred right if that particular party do that kind of activities you have that moral right you can take action against that particular party if something like that happens. So this is something about moral rights, it is like a right of integrity and some basic right that is the negative right is there but we have to just remember economic right and moral right is there.

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Now the next that is we will just want to see we are going to concentrate on one case study that is a “Bhansali Production”. But before going into that the “Sanjay Lila Bhansali Films Private Limited” or that “Bhansali Production” and how they are using copyright and trademarks in their film in that particular production we will see a small what we can say video clip regarding that award ceremony, national film award ceremony.

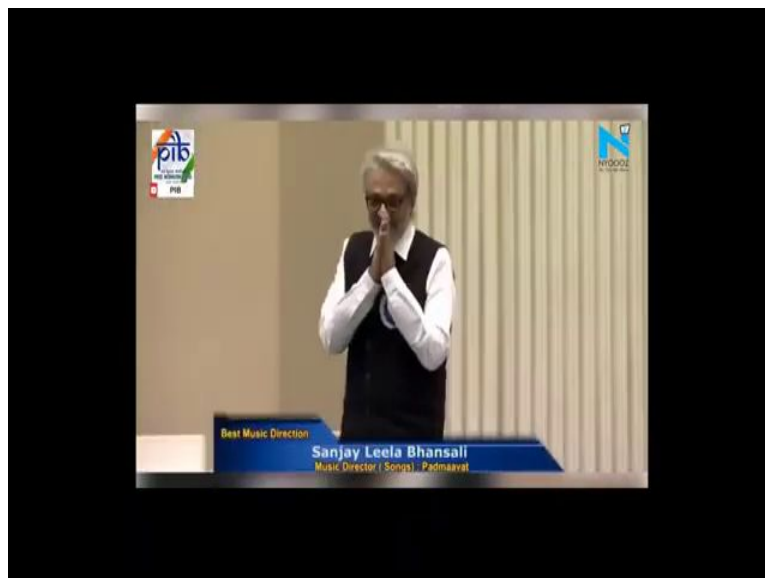
This award ceremony was, it was in 2019 and it was took place in New Delhi's Vigyan Bhavan. Now we know that national awards are it is like a prestigious ceremony and the here in this video

you can see that vice president of India he is giving the that he is in his presence this particular what we can say the ceremony occurred and along with vice president of India honorable union minister for information broadcasting Shri Prakashji Javadekar he was also present for this particular ceremony.

And you can just see a small that speech whatever he has given Shri Prakashji Javadekar has given a speech in this ceremony and you can see this speech also in this video. Now why I am putting so much stress on this page because he has you will go through that video but I can just give you the idea. He has related this creation with the Vishwakarma and I like that analogy like in Vishwakarma we know that he has created the this, that earth and this creation is of Vishwakarma that we know but he has given that analogy here.

And he says that whenever a film is produced by a director or producer it is like they are creating the another kind of what we can say environment and you feel exactly means it is like a Vishwakarma and that analogy is I guess you will enjoy that what we can say analogy he has given here. And also you will see that Sanjay Lila Bhansali has received the award in this ceremony. So just watch this video it is a small video of 2-3 minutes just watch this video.

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Voiceover: The songs lift the mood of the film and give a different dimension to the narrative.

Professor: Okay so if you see here that Sanjay Lila Bhansali we are concentrating now on a Bhansali Production. So if we see the background of Shri Sanjay Lila Bhansali probably I do not require any that he I should not it is not required for you to give any information about him because probably everybody has watched his films I guess everybody has watched.

I can give you the list of few names of his movies like Parinda, 1942 Love Story, Hamdil de chuke sanam, Devdas, Savariya, Black, Rowdy Rathod or Ram Leela, Mari-Kom then Bajirao Mastani, Padmavat. So this is like a huge what we can say a list and probably at least one movie out of this list you have watched. So you can just and then the if you see that the creation that Sanjay Leela Bhansali he has he takes various roles he may be a director, he may be a producer, screenwriter, music director. So he takes different roles when he is doing the, this kind of a productions.

Now we can say that he when he takes the different kinds of roles that in his Bhansali Production he may be author of the work when he is talking creating that script like a litera... it is a literary work then he is creating that cinematograph that is he is like a creator so he is owning that particular thing. He is creating musical work so he is like an owner for that music composition and all then that he is like a screenwriter we have seen then producer, director, music director. So he is creating a lot of copyright in his what we can say under the banner or under the brand Bhansali Production.

Now if you see that Bhansali Production we will see that what different kinds of IPs are there but before going into that IPs we just have to I will just give you the idea about Shri Bhansali that he is a recipient of almost 5 national film awards, 11 film fare awards and then he is like a, he has received Padmashri. So you can just imagine the contribution the copyright creation whatever Bhansali production has done and whatever he has given in that film industry we can just appreciate that particular thing.

Now he is like if you see further that when we are talking about that copyright industry or the copyright creation and all that thing we have seen a few examples also in the first week so I just want to relate you that whether copyright is creating wealth definitely you have you know that if Bhansali production movies are there many of that have crossed 100 crores.

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Or I have given a few examples in the week-1 also like Oprah Winfrey and you, if you could remember that over a 3 billion dollar is a net worth of her. So it is like a because of copyright then J K Rowling, so we have seen that the royalty whatever she has earned it is like a 1.15 dollar billion that is a royalty she has gained through her that writings and Harry Potter we are all aware about we have seen that thing.

And then we have seen about the Walt Disney and we know that it is worth about 400 million dollar today and we have seen that how it is impacted on the government to change the copyright that law. So that is these are the effect of what we can say these are the creations and then the that fortune which is created out of that creation or the copyright material we have just (())(16:13) we have seen these examples and we are just concentrating now on that Bhansali Production.

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Case study IV – Film industry

Search Type : Wordmark

Record No. : 2 | Application Number : 2325689

Word Mark	BHANSALI PRODUCTIONS
Appl. No.	2325689 Class : 41
Appl. Date	03/05/2012
Proprietor	SANIYI LEEA BHANSALI
Journal No.	1690-0 Journal Date : 27/04/2015
Status	Registered
Used Since	Valid Upto : 03/05/2022
Goods & Services Description	SERVICES RELATING TO ENTERTAINMENT, FILM AND TELEVISION PROGRAMMES PRODUCTION SERVICES; VIDEO, AUDIO AND SOUND PRODUCTION SERVICES; FILMING; SPECIAL EFFECTS; DUBBING; ANIMATION; BACKGROUND MUSIC; EDITING; PHOTOGRAPHY AND STUDIO SERVICES INCLUDED IN CLASS 41



Now if you see that this on the screen this is the details of the trademark which is received by Bhansali Production and they have registered it under a class 41. So if you could see that details of class 41 it is like a re services which are related to entertainment film, television programs production services, videos, audios and sound production services, filming, special effects, dubbing, animation, background music, editing, photography and studio services all these things are included under that class 41.

Do you remember that classification what is that classification for trademark it is a nice classification and we have seen that there is a goods and there is a services and this is a coming under the category that is a services. Okay, now what they have done very what we can see if you see this trademark registration only you just watch it is a class 41 it is a Bhansali Production and you can see the different kind of presentations are made and in the same class that different kinds of presentations whatever are there they are registered as a trademark.

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So if you see the next example here it is the same like a Bhansali Production only but you can see that the presentation how they have given that red color that specific kind of design and then it is written as a Bhansali yes it is under a class same class that is a 41 or only that Bhansali production is written everything is protected so that nobody can create the what we can, we have seen that passing of or infringement issues related to trademark. So to take a caution they have done same Bhansali Production they have registered these two trademarks also.

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Now moving further you can also see the another way of presentation of Bhansali production. So these are another presentations of a Bhansali Production. So same class but the presentation is what we can say or logo whatever you want to say that is like, it is like a different that color combination or presentation is little bit different. But that all whatever 5 types you have seen here that has been separately registered and that is protected so that nobody can copy that particular trademark.

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Now you see the this one more what we can say presentation of a Bhansali Production without that plain background and then the black colored that particular design is in the black color and now you see this kind of a presentation.

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Now if you see this presentation just read that particular thing word mark and what it is written there it is a K Bhansali Films with a kb logo and device of a horse and applicant see the

applicant. If you see the previous one applicant is a Sanjay Leela Bhansali and here the applicant is a someone like a Shri Kalpesh Kumar.

Now if you see that difference you can easily say that it is like a trademark what we can say infringement is there and therefore means in the examination only this particular trademark is not allowed it is abandoned. So I have just kept this example so that you can immediately relate that how that trademark infringement may happen and already they have taken caution by giving a different kind of what we can say presentations all are, all these presentations are protected and still this new presentation is done by Kalpesh Kumar and trademark registry has not allowed this registration.

Okay, so this is about the trademark and already we have seen the copyright. So that literary work musical work, choreographic work and the roles which are played by Shri Sanjay Leela Bhansali in that Bhansali production. So copyright and trademark these are what we can say the important here when we are talking about a Bhansali production.

Yes. Now whether patent or industrial design will play any role? There may be a role but that role may be little bit what we can say a very small role may be there provided that during that in the production house if they create some instruments related to related to that just like a doctors they are doing operations and all that thing but yes they are actively involved in a creation of instruments.

So if that kind of instruments doctor is creating obviously he can go for patent. So similarly here in the Bhansali production house if they create some different kind of instrument which is related to this kind of recording and the activities which are there in that production house definitely they can go for the patent registration. So but major role is a copyright and yes trademark because that is creating that particular image in the, what we can say industry and that what the trademark is there.

Okay so trademark and then this copyright is a playing major role here and patent as I have already told it may or may not be involved industrial design I will say that yes a little bit low kind of weightage you can give here but one point is here that if there is any specific apparel design or something like that yes definitely under this production if they develop something like that then that will get the industrial design production.

So this is all about the Bhansali production a case study related to copyright focused on copyright. So you can just go through this and see that how copyright is helpful in the wealth creation and we have given the example of J K Rowling that writing creating literary work and creating a wealth or film production creating that particular cinematographic film and creating a wealth.

I hope with this you get the idea about the copyright that whole week we have covered the things which you require in your entrepreneurship related to that copyright probably you can use it in your entrepreneurship and make best use of a copyright. With this we come to the end of this module Thank you.

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