CONTENTS

ACKNOWLEDGEMENTS i - v

CHAPTER - 1

INTRODUCTION 1 - 52

(A) JUSTIFICATION OF COPYRIGHT
(B) NATURE OF COPYRIGHT
(C) GENERAL PRINCIPLES OF COPYRIGHT
(D) MAJOR SYSTEMS OF COPYRIGHT
   (i) The Droit d' Auteur of Civil Law Systems
   (ii) The Common Law or Copyright Systems
   (iii) The Socialist System
   (iv) Islamic Law & Copyright
   (v) The System of the Developing Countries
(E) SOCIAL & POLITICAL SIGNIFICANCE OF COPYRIGHT
(F) STATEMENT OF THE PROBLEM & OBJECTS OF THE STUDY
(G) SCOPE OF THE STUDY
(H) SURVEY OF THE EXISTING LITERATURE
(I) RESEARCH METHODOLOGY
(J) PLAN OF STUDY

CHAPTER - 2

COPYRIGHT IN HISTORICAL RETROSPECT 53 - 120

(A) PERIOD OF PRIVILEGES
(B) PERIOD OF GENERAL LEGISLATION
(C) PERIOD OF INTERNATIONAL LEGISLATION
(D) PROTECTION OF FOREIGN AUTHORS PRIOR TO 1886
   (i) National Law
   (ii) By Conventions, Treaties etc
(E) ORIGIN AND HISTORY OF THE INTERNATIONAL COPYRIGHT UNION
   (i) Brussels Congress of 1858
   (ii) Artistic And Literary Congresses of 1878
   (iii) International Literary and Artistic Association
   (iv) Berne Conference of 1883
   (v) Official Conference of 1884
   (vi) Official Conference of 1885
   (vii) Final Conference of 1886
CONTENTS

(viii) Outline of Berne Convention of 1886
(ix) Paris Conference of Revision 1896
(x) Berlin Conference of Revision 1908
(xi) Additional Protocol of 1914
(xii) Rome Conference of Revision 1928
(xiii) Brussels Convention 1948
(xiv) Stockholm Convention of 1967
(xv) Paris Revision of 1971
(xvi) The Universal Copyright Convention of 1952
(xvii) Pan American Conventions

(F) COPYRIGHT PROTECTION IN INDIA
(i) Pre-Independence
(ii) Post Independence
   (a) Copyright Act of 1957
   (b) The 1983 and 1984 Amendments
   (c) Amendment Act of 1994

CHAPTER 3

SUBJECT MATTER OF COPYRIGHT & AUTHORS' RIGHTS

(A) CREATION OF THE WORK
   (i) Quality
   (ii) Originality
   (iii) Derivative Works

(B) FIXATION OF THE WORK

(C) PUBLICATION OF THE WORK

(D) CATEGORIES OF WORKS & SUBJECT MATTERS OF COPYRIGHT

(E) AUTHOR'S RIGHTS
   (i) Economic Rights
      (a) The Reproduction Right
      (b) The Adaptation Right
      (c) The Distribution Right
         (1) The Basic Right
         (2) First Sale or Exhaustion
         (3) Rentals
      (d) The Public Performance Right
         (1) The Works Covered
         (2) The Nature of 'Performance'
         (3) The Meaning of 'Public'
      (e) The Broadcasting Right
         (1) The meaning of 'Broadcasting'
         (2) The Scope of the Right
         (3) Compulsory Licensing
   (ii) Moral Rights
      (a) Right of Publication
      (b) Right of Paternity
      (c) Right of Integrity
CHAPTER - 4

COPYRIGHT UNDER INTERNATIONAL LAW

(A) THE TWO DISCIPLINES OF INTERNATIONAL LAW

(B) THE VITAL QUESTIONS & 'CONFLICT OF LAWS'
   (i) What is the legal issue?
   (ii) To what category does the issue belong?
   (iii) What is the 'connecting factor'?

(C) THE SOURCES OF PRIVATE INTERNATIONAL LAW
   (i) International Customs
   (ii) International Conventions
   (iii) National Legislation
   (iv) Judicial Decisions & Juristic Works

(D) INTERNATIONAL COPYRIGHT LAW
   (i) The Treatment of Foreigners in Copyright Law
   (ii) The History of International Copyright Treaties
   (iii) The Principles of International Copyright Conventions
      (a) National Treatment (assimilation)
      (b) Extensions of the Principle of National Treatment
         1. Minimum Rights
         2. Formalities
      (c) Limitations of the Principle of National treatment
         1. Reciprocity
         2. Reservations

(E) CHALLENGES TO THE PRINCIPLE OF NATIONALS TREATMENT
   (i) Public Lending Right
   (ii) Reprography

(F) THE CONNECTING FACTOR
   (i) The Country to Which the Author Belongs
   (ii) The Country of Origin
   (iii) The Country of First Publication
   (iv) The Protecting Country

(G) THE SYSTEM OF CREATING RIGHTS UNDER INTERNATIONAL COPYRIGHT CONVENTIONS

(H) THE SYSTEM OF APPLYING INTERNATIONAL COPYRIGHT CONVENTIONS TO NATIONAL LAW

CHAPTER - 5

COPYRIGHT IN LITERARY, DRAMATIC & MUSICAL WORKS

(A) COPYRIGHT IN LITERARY WORKS
   (i) Statutory Definitions
   (ii) Literary Works & Originality
   (iii) Literary Works Must be in Print or Writing
   (iv) Various Types of Literary Works
      (a) Compilations
      (b) Selections
      (c) Annotations and Book Guides
CHAPTER 6

COPYRIGHT IN COMPUTER SOFTWARE 251-306

(A) COPYRIGHT LAWS ON SOFTWARE & RECENT LEGISLATIVE ACTIVITY

(B) MEANING OF SOFTWARE

(C) COMPUTER PROGRAMS

(D) RECORDED IN WRITING OR OTHERWISE

(E) REQUIREMENT OF ORGINALITY & COMPUTER PROGRAMS

(F) IDEA VERSUS EXPRESSION DICHOTOMY

(G) COPYRIGHTABILITY OF COMPUTER SOFTWARE

(i) Source and Object Code

(H) COMPUTER GENERATED WORKS

(i) Screen Displays

(ii) Electronic Videogames

(iii) Databases

(iv) Documentations

(I) OWNERSHIP OF COPYRIGHT

(i) Authorship and Ownership Distinguished

(ii) Computer Generated Works

(iii) Employees And Freelance Programers

(iv) The Employee and the Course of Employment

(v) Freelance Staff

(vi) Joint Authorship and Ownership

(J) DURATION OF COPYRIGHT

(i) Computer Generated Works

(ii) Works of Joint Authorship

(K) RESTRICTED ACTS OF COMPUTER PROGRAMS

(L) "LOOK & FEEL" AND THE LIMITS OF COPYRIGHT PROTECTION

(i) Different Procedural Approaches Under United States and English Law

(ii) U S Law Whelan Associates V Jaslow Dental Laboratory
CONTENTS

(iii) U.S. Law After Whelan - Limits to the Doctrine
(iv) English Copyright Law & "Look Feel Cases"
    (a) Ms. Associates V. Power
    (b) English Law A More Recent Decision
    (c) English Law General Principles
(M) INDIAN COPYRIGHT (AMENDMENT) ACT 1994 & COMPUTER SOFTWARE

CHAPTER - 7

COPYRIGHT PROTECTION & ARCHITECTURAL PLANS, DRAWINGS AND DESIGNS

(A) ARCHITECTURAL WORKS UNDER BERNE CONVENTION
(B) COPYRIGHT IN ARCHITECTURAL WORKS UNDER COMMON LAW
    (i) Publication
(C) STATUTORY COPYRIGHT PROTECTION TO ARCHITECTURAL WORKS
(D) OWNERSHIP OF COPYRIGHT IN ARCHITECTURAL PLANS
(E) PARTIAL SERVICES BY ARCHITECT
(F) INFRINGEMENT OF COPYRIGHT

CHAPTER - 8

COPYRIGHT LAW AND PERFORMERS RIGHTS

(A) DEFINITION OF PERFORMERS
(B) REASONS FOR WEAK POSITION OF PERFORMERS UNDER COPYRIGHT REGIMES
(C) NECESSITY OF PROTECTING PERFORMERS
(D) STATUS OF PERFORMERS IN U.K., U.S.A. & INDIA
    (i) Dramatic & Musical performer's Protection Act 1925
    (ii) Performer's Protection Act. 1958-1972
    (iii) Civil Action For Damages
    (iv) Performer's Rights & U.S. Statutory Copyright Law
    (v) Judicial Response to Performer's Rights in U.S.
    (vi) Non Recognition Of Performer's Rights in India
    (vii) Performers Rights & Indian Judicial Response
    (viii) Indian Copyright (Amendment) Act 1994 & Recognition of Performers Rights

CHAPTER - 9

NEIGHBOURING RIGHTS

(A) HISTORICAL DEVELOPMENT & IDEOLOGY
(B) RELATIONSHIP BETWEEN AUTHORS' RIGHTS AND NEIGHBOURING RIGHTS
(C) OWNERSHIP, SCOPE AND TERM OF
NEIGHBOURING RIGHTS

(D) NEIGHBOURING RIGHTS & PERFORMERS
   (i) Definition of Performer
   (ii) Rights of Performers

(E) NEIGHBOURING RIGHTS & PRODUCERS OF PHONOGRAMS
   (i) Legal Status of Phonograms
   (ii) Rights of Producers of Phonograms
   (iii) Rental Rights
   (iv) Remedies for infringement of the Reproduction Right in Phonograms
      (a) Civil Remedies
         (1) Search & Seizure
         (2) Injunction
         (3) Compensatory Remedies
      (b) Criminal Remedies
   (v) Performance Rights in Phonograms
      (a) The Public Performance Right
      (b) The Broadcasting Right

(F) BROADCASTING ORGANISATIONS
   (i) Broadcasting Via Satellite
   (ii) Broadcasting Via - DBS
   (iii) Broadcasting Via FSS
   (iv) Distribution of Broadcasts by Cable (Cable Casting)
   (v) Rights of Broadcasting Organisations

CHAPTER - 10

INFRINGEMENT OF COPYRIGHT

(A) BASIC CONCEPTS OF INFRINGEMENT
   (i) Ownership of the Original Work
   (ii) Misappropriation
      (a) Casual Connection
      (b) Sub-Conscious Copying
      (c) Indirect Copying

(B) SUBSTANTIAL TAKING
   (i) Unaltered Copying
   (ii) Extent of Defendant's Alteration
   (iii) Character of Plaintiff's or Defendant's Work
   (iv) Nature of Plaintiff's Effort
   (v) Extent of Plaintiff's Effort
   (vi) Manner in Which the Defendant Had Taken Advantage of Plaintiff's Work
   (vii) Whether the defendant's use will seriously interfere with plaintiff's exploitation of his work
   (viii) Reproduction by the Original Author

(C) INFRINGEMENT CARRIED OUT BY OTHERS

(D) CLASSES OF PROHIBITED ACTS

(E) RIGHTS CONCERNED WITH REPRODUCTION AND ADAPTATION
CONTENTS

(i) Primary Infringement
(ii) Secondary Infringement
(iii) Performance In Public

(F) FAIR DEALING AND LIKE EXCEPTIONS
(i) Fair Dealing
(ii) Parody, Satire Or Burlesque
(iii) Photographs, Reporting of Current Events
(iv) Criticism, Review etc

CHAPTER - 11

REMEDIES FOR COPYRIGHT VIOLATIONS 454-500

(A) WHO MAY SUE
(B) WHO MAY BE SUED
   (i) Primary Infringers
   (ii) Joint Tortfeasors Conspiracy and Contribution
(C) INNOCENT INFRINGERS AND CONVERSION
(D) CIVIL REMEDIES
   (i) Remedy by Injunction
      (a) Temporary Injunction
      (b) Permanent Injunction
(E) ANTON PILLER ORDER
(F) DAMAGES
   (i) Statutory Damages
   (ii) Additional Damages
(G) CRIMINAL REMEDIES

CHAPTER - 12

RECAPITULATION & FUTURE CHALLENGES TO COPYRIGHT LAW 501-532

(A) RECAPITULATION
(B) FUTURE CHALLENGES
   (i) Challenges to International Law
      (a) Philosophical Challenges
      (b) Needs of Developing Countries
   (ii) Challenges to National Law
   (iii) Technological Challenges

TABLE OF CASES 533-547

BIBLIOGRAPHY 548-560