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MULTIMEDIA PROTECTION UNDER COPYRIGHT LAW- Aaditya Madhumeeth¹**ABSTRACT**

Knowledge is the foundation of society and it is necessary to preserve the creations of human intelligence. In an increasingly digital environment, multimedia information is becoming limitless through technological advancements of the internet and computers. As a new era of communication is brought in by multimedia, data flows across the world where people can adjust, create and modify information. In this position, it is pretty convenient to create content with supplementary opportunities. For the legal framework, it is difficult to react to continuous multimedia changes and bring reforms for the protection of intellectual property. However, it is fundamental to protect the rights and interests of the creator by undue harm and still promote multimedia advancements.

INTRODUCTION

Multimedia technology has a great impact on society as it penetrates people's lives. Most of such works are created with someone else's creative material. Copyright is an intangible, incorporeal right granted by statute to the author or originator of certain literary or artistic productions, whereby he is invested for a specific period, with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them². The copyright law protects the expressions and ideas contained in the works which also damages the rights and interests of the creator of multimedia works.

Digital works are expressed through binary digital coding that is organized, processed, stored and transmitted to digitalize information and then restored into the original form of content. Therefore, a huge variety of works are expressed as digital, with the mode of spreading information. The traditional copyright law is far different, though common to digital multimedia works. It is necessary to study the digital environment of information in the light

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²Black's Law Dictionary, <https://www.latestlaws.com/wp-content/uploads/2015/04/Blacks-Law-Dictionary.pdf>

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of the copyright regime, to improve, strengthen and analyze the continuous evolutionary system of intellectual property.

CHARACTERISTICS OF MULTIMEDIA

Various definitions are given to the phrase 'multimedia' due to numerous interpretations. Every community differs in the characteristics of multimedia and its application. Yet a substantial definition can be put as 'all those interactive software including videos, audios, graphics, animations, texts, special effects and photography stored, sent and transmitted in the digital form for visualizing and performance on sound systems and digital screens.' In a broader view, multimedia is a system that provides a wide range of information in numerous contexts.

Comprehensive and comparative examination like microscopic detailing, learning through feedback systems, web-based collaborative spaces, distributing content through CD's and other catalogues are some of the relevant examples of Multimedia. Also, multimedia licenses can be provided to any intellectual property, though the majority include films, pictures, audio, videos, texts, graphics, and animations. These create more issues relating to publicity and copyright³. Modern technology is composed of two forms, hardware and software or a mixture of ideas and machines. As Multimedia can enable, express and exchange information, it can also process, collect and store different types of media technology. The Multimedia information also includes art, education, entertainment, medicine, advertising, business and scientific research. In the technical sense, communication technology and information technology together combine Multimedia works. Compared to the traditional form, the density of multimedia information is much greater. The same characteristics of intellectual property are posed by the Multimedia works making its approach similar⁴.

COMPARISON OF TRADITIONAL COPYRIGHTS TO MULTIMEDIA WORKS

The Copyrights in the basic sense are incorporeal and thus the property in the work is justified by the fact that the right owner has either created or made it. It originates in the mind of the person before bringing it to material form. However, not all thoughts or ideas are protected by copyright law. The ones turned into material form are recognized and protected

³Nah He, Research on the Protection of Multimedia works and Intellectual Property Rights, 2nd International Conference on education, sports, arts and management engineering (ICESAME 2017), Volume 123, Advances in Social science, education and humanities research, Atlantis Press.

⁴ ibid.

under copyright law⁵. Further, the copyright law gives immune exclusive rights, where the right owner can prevent others from copying works or any other activity that can only be done by him⁶.

The owner of the copyright is deemed to be the author of the work. The ownership can further be assigned to the entrepreneur by the author in publishing content, generally transferring ownership and other rights to the entrepreneur. Once, the ownership is transferred to any person other than the author, there is a high risk of failure and reap of profit for the content. The content being in the hands of another person must be protected. Otherwise, the 'pirate' can produce copies of the content and sell them without bearing any authorization leading to exploitation of the content. This is where the limitation of copyright, fair usage of the content and licensing come into the picture to protect the economic rights of the owner⁷.

The intellectual rights involved in multimedia works have different nature from the traditional works. In the environment of networks, to highlight the representative, the work is created by using the existing material. Multimedia works are mostly external information used to create content. Often such used material is adapted or cited if the material is copyrighted leading to the coexistence of power. For copyrighting the texts, images, sounds and other integration of works can be complex, as the multimedia works in various collaborations have a probability of some being copyrighted and some missing out. In designing the digital library information, such requirement is considered as the organizational structures and can have different rights and permissions arising out of each element or every information. This eventually avoids property disputes in multimedia development⁸.

What is protected by Copyright Law?

Intellectual works are created by human beings and published by specific communication media for the people to know. These are moderately accessible and their presence accounts for potential benefit. Act No. 9610, February 19, 1998, Copyright Law lists the intellectual works that are protected by copyright. The list is illustrative and not definite. The works are text, drawings, carvings, engravings, illustrations, dictionaries, plastic works, dramatic works, photographic works, choreographic works, audios and visuals, compilations, engravings,

⁵V K Ahuja, Law Relating to Intellectual Property Rights (3rd ed. 2021)

⁶Time Warner Entertainment Company v. RPG Netcom, 2007 (34) PTC 668 (Del) (DB)

⁷Supra at note 4.

⁸Supra at note 2

maps, computer programs and translation with new intellectual creation⁹. As the work is known for any of the types, copyrights are protected by the law and highlight limitations and care that authors must bear in their work.

Protection of Multimedia by the Intellectual Property Law:

What comprises multimedia is protected by the copyright that are texts, images, films, videos, dramatic works, audios and pictures, But the multiplicity of rights that are accessible to the owners under its purview makes the rights of the authors and owners difficult to protect. Section 51 of the Copyright Act, 1957 elaborates on the infringement of copyrights. Multimedia can be infringed when the work of the creator is copied without consent, when the audio is dubbed or sold through multimedia means without authorization of creator, making copies of prints and literary works without the permission of owner or author and distributing multimedia products other than the purpose of education¹⁰. However, these are the relevant possibilities of infringement.

Any act that violates the legal provisions and causes damage to the exclusive rights of the creator/author/owner of the copyright leads to infringement of intellectual property. The infringement of multimedia also requires the same legal consequences. However, through technological advancements, the characteristics of infringement vary as the object varies. They are unique, highly technical with different scopes and diversity in the type of infringement. This cause difficulty in the identification and protection of intellectual property. The elements of infringement that violate the copyright should be treated separately in different situations. The principle of fault liability is adhered to when deciding the case. Possibility of negligence, the intention of the person and actual opportunity, all come under the ambit of 'fault' by the person. But proving that there is a fault is difficult than proving that there is no fault. That is why the complexity is higher in multimedia works and need more reforms universally.

Changing times for Multimedia works:

The evolution of multimedia works is continuous and applying copyright law is even more difficult. A new approach for copyright law needs to be pursued to overcome problems. A well-drafted model needs to be prepared by expanding the present copyright law.

⁹Saurabh Suman, Atul Kumar, Copyright issues in Multimedia, Volume 2, Issue 2, International Journal of Law and Management & Humanities, 2019.

¹⁰Section 2 (m), The Copyright Act, 1957.

Predominantly, the copyright rules were designed to protect manufacturers such as production houses, publishing entities, record labels and film studios. But in the present scenario, copyright material is constantly distributed, modified and created which makes it difficult to identify the original work and derivative work.

The initial step is the process of identification. Because today it is easy to transmit creative works on social media. Legal protection of multimedia should spread eventually to the individuals as social media has become a life standard in society.

Conclusion:

In the era of the internet and computer innovations, multimedia works can easily be modified, altered and created. A legal structure that binds and deals with the unpredictability of multimedia is necessary. The Copyright rules govern the articulation of work. But the traditional copyright can neither be linked nor be systematically applied to multimedia leading to high complexity. New approaches for copyright law need to be developed in safeguarding multimedia though they necessitate tremendous effort and expenditure.

A network protocol of copyright and related information would give a basic outlined framework that implements copyrights for authors, substance and circulation of content, empowering the advancements of multimedia works. Social media proliferation has increased redundantly that the focus of creation has shifted away from the real organizations and authors. This shift in the copyright regime makes it necessary for the public at large rather than a few major corporations of multimedia.