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IP and Media Law

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Introduction

Intellectual Property Right (IPR) is a criminal right that protects the mind's or thoughts' creation of a person or organisation. In the last three decades, globalisation and open market policies have aided IPR growth and influenced monetary activity. The present paper establishes a link between IPR and media law, with Copyright being one of the most important rights that protects the rights of creators of creative works, literary works, sound, movies, and related works. Copyright Law is a sophisticated field that encompasses advancements, imaginative ideas, and intellectual productions in print, audio-visual, sign & symbol, and virtual forms.

Furthermore, media platforms, including social media, make use of photographs, sounds, scripts, and a variety of additional communication, business, and personal activities. The purpose of this article is to emphasise the fundamentals of IPR and how it protects the rights of IP owners. It also elucidates the relationship between IPR and the Indian media industry. Finally, the article will present a fair and constructive analysis by discussing several branches of IP, associated legal provisions, and various Supreme Court and High Court of India judicial declarations.

Inventions, literary and inventive works, designs, and symbols, names, and photographs are all examples of intellectual property. Intellectual property rights safeguard works and inventions, allowing creators and inventors to profit financially and get respect for their work. Intellectual assets can be very valuable. There are businesses, along with PC, video game companies, that exist to expand intellectual property or even take advantage of it. It is critical to protect one's enterprise with the aid of securing one's intellectual assets rights. Intellectual Property (IP) is protected with the aid of legal guidelines which allow humans to earn popularity or financial advantage from what they devise or create.

Individuals and businesses who put in a lot of time and effort into designing, researching, and developing documents require a lot of money as well. These works of art arise as a result of effort and money invested in order to reward the artists and serve as a source of inspiration for others. Copyright laws aid in the protection of such creators' endeavours.

Protection of Intellectual Property Right in India

A number of government or related firms offer support to enterprises with layout, innovation, intellectual property, scale, and requirements. IP might range from a specific manufacturing technique to product launch plans, a different enigma such as a chemical formulation, or a list of overseas locations where your patents are registered. It could be helpful to conceive of them as intangible proprietary records. The legal definition of intellectual property (IP) according to the World Intellectual Property Organization (WIPO) is "thought creations" such as innovations, literary and inventive works, symbols, names, pictures, and designs used in commerce.

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IP rights are intangible in comparison to traditional property rights. They may also be one-of-a-kind, territorial, and time-limited. However, this is only true in a relative sense, and it does not imply that all types of IP rights share those characteristics. There are a few exceptions to this rule. A trade secret, for example, can persist indefinitely in theory as long as it isn't always divulged, with no temporal restriction.

The concept of intellectual property refers to the reality that positive products of human intellect must be protected in the same way that physical property, sometimes known as tangible assets, is protected. It enables people to profit from the statistics and intellectual products they create. Most developed economies have criminal laws in place to protect various types of property. Furthermore, IPR is extremely important in today's world. Intellectual Property Rights are intended to foster new creations, such as technology, paintings, and ideas, that can lead to economic prosperity. Intellectual property rights increase people's incentives to continue producing things that, in turn, offer new job possibilities and new technology, allowing our world to improve and advance even quicker.

Branches of IPR

Patents are obtained when you have registered your invention with the government. It's a system

that may take over a year to develop, and you have the legal right to prevent anyone else from producing or distributing it. Patents are only for tangible items. They can even be registered in other countries to keep foreign competitors from finding out what your company is up to. Others can practise licencing your goods if you keep your patent. If not extended, a Patent Registration is usually issued for ten years.

In India, copyright protects written or imaginative expressions that are fixed in a tangible media, such as novels, poems, songs, or films. The expression of a notion is protected by a copyright, but not the concept itself. A copyrighted work's owner has the right to duplicate it, create derivative works from it (such as a film based on a book), or promote, perform, or show it to the general public. Although you are not required to register your fabric in order to maintain copyright, registration is required if you decide to litigate for copyright infringement. A copyright lasts for the author's lifetime plus another 50 years.

IPR plays an important role in the growth of the media and entertainment industries. Media is a sector of creativity that engages, informs, and entertains a large number of people all over the world. Various news sources, such as television, radio, cinema, print media, music, software companies, online and sophisticated platforms, have been enhanced by a plethora of imaginative ideas, original works, and organisations. As its contribution to the GDP is felt, its role in the social commerce is recognised, and its work, torment, and interest in the development of substance are recognised, the Indian Media and Entertainment Industry emerges as one of the advancing regions in our country.

In the time of advanced media and with expanding education and monetary advancement this market with all news sources is expanding step by step.⁷² Innovation has simplified the replicating and propagation of others' works in any configuration. IP Infringement not just debilitates the first supporters or creators to deliver more imaginative works yet, in addition, hurts their acquiring prospects since another person is taking their work.

Landmark Precedents

Parag M. Sanghavi v. Sholay Media and Entertainment Pvt Ltd: In 1975, the film "Sholay" was released, and it was arguably the most mainstream motion picture of the period. The picture was well-known, and people associated the title with the Sippys (producers), therefore the title was of secondary importance. In 2007, Ram Gopal Varma was sued for trademark infringement after

releasing the film "Ram Gopal Varma ke Sholay." He modified the title of the film to "Ram Gopal Varma ke Aag" at that time.

RGV Film Factory and Ors vs. Kanungo Media (P) Ltd. "Nishabd," a Bengali film produced by Kanungo Media, had received various awards. But it couldn't be done on a commercial scale. They had then filed a permanent injunction against Ram Gopal Verma's use of their film title "Nishabd." The film was not generally known because it could not be delivered, and the title had no optional importance. As a result, the Delhi High Court dismissed the application, and Ram Gopal Varma's Hindi film was dubbed "Nishabd."

Infringement of Copyright

The advent of information and communication technology (ICT) has enabled clients to collect useful data from all over the world in a compact framework. It has also increased the number of encroachment cases. The Copyright Act defines copyright infringement as storing protected material on a computer without the owner's consent and managing it without the owner's consent.

Conclusion

The value of intellectual property and its protection is widely recognised as critical to economic success around the world. In line with the industry, India has recognised the impact of IP, as a result of which the reputation has been consistently protected through the use of legislators, judges, and the private sector. India has officially ratified a number of IP treaties and agreements. As a result, India has become more aware of the industry's methods and attitudes regarding IP protection. India has already taken steps to meet its obligations under the journeys treaty, and its intellectual property law regime is nearly on line with that of several developed countries. As a result, India has become more aware of the industry's methods and attitudes regarding IP protection. India has already taken steps to meet its obligations under the journeys treaty, and its intellectual property law regime is nearly on line with that of several developed countries. In the past, India's IPR enforcement was primitive and outmoded; nevertheless, recent judicial pronouncements and efforts made by various enforcement authorities show that India is preparing for efficient IPR protection and enforcement. The Indian Police Force has established special IP cells, with trained police personnel assigned to monitor IP infringement and cybercrime.

