

Amendments of Copyright Laws in G7 Countries and India during and post Pandemic (Covid-19) period

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Abstract:

The main objective of this study is to find out significant amendments, if any, in the copyright laws of G7 countries especially the amendments of Copyright Laws in India. The study examines whether there is any effect of Covid-19 Pandemic in those amendments. Data have been collected from official websites of those countries including India. All the amendments have been scrutinized and some comparative statements in multiple dimensions like subject of amendments, abolishing laws, artificial intelligence, copyright infringement, extended areas of copyright etc. have been analysed. The study also highlights various court decisions on copyright issues in those countries during last few years.

Keywords: Copyright law, copyright, G-7 countries, copyright amendment, India, Covid-19 Pandemic.

1. Introduction

People's lives all throughout the world have changed as a result of the Covid-19 Pandemic. It shut down almost all the sectors like schools, businesses and workplaces etc. It is true that education sector has largely affected by this pandemic. Although online teaching has been started for many years, this pandemic has promoted it on a large scale. During this period almost all the stakeholders of different sectors have largely depended on online activities by using online resources, software, platforms and so on. The main challenging task was to handle the copyright issues of those materials and activities. Therefore, many countries have amended their Copyright Acts during and post pandemic period for the benefits of public as well as the copyright owners. The present study focuses those amendments in the Copyright Acts during and post pandemic period.

2. Objectives

The study's primary objectives are as follows:

- To identify the most recent change of Copyright Acts in economically advanced countries as well as in India
- To discover, if any, the influence of Covid-19 Pandemic in Copyright amendments
- To identify the recent legal activities in the courts of those countries in the domain of Copyright Act
- To state the amendment regarding Information Technology in Indian Copyright Act

3. Review of Literature

Simons (2000) talked about Australia's 1998 Copyright Amendment Bill and looked at the connections between international intellectual property rights, historical art and indigenous culture, Australia's Aboriginal population, and tourism in this nation. The Australian government amended the Copyright Act, also known as the Copyright Amendment Act (No.2) 1998, to allow the parallel importation of "non-infringing" copies of sound recordings, citing anti-competitive monopolistic distribution, an increasingly integrated global market, and the challenges of new technologies (Papadopoulos, 2000). Khong (1999) detailed the modifications implemented by the Malaysian Copyright (Amendment) Act 1997, which became effective on April 1st, 1999. Additionally, he said that the Malaysian Copyright Act of 1987 no longer grants a copyright holder exclusive authority over lending. The Hong Kong SAR Government on 17th March 2006 introduced the Copyright Amendment Bill 2006 (the "Bill") relating to digital rights (Woo & Lui, 2006). Mo (2017) has talked on the details of Hong Kong's Copyright (Amendment) Bill 2014.

The Indian Copyright (Amendment) Act, 2012, which safeguards technological advancements in the information technology revolution and the availability of additional works in digital formats, was covered by Ashok (2012). In this context, it was imperative that copyright holders use new safeguards to adequately protect their creations. The study also stated Copyright Laws of US, EU and Australia. Thomas (2012) also discussed the Copyright Amendment Act, 2012 of India especially in the area of the WIPO Performances and Phonograms Treaty (WPPT), the Internet Treaties, and the WIPO Copyright Treaty (WCT). He has also provided a succinct justification for the amendment, drawn from the Standing Committee of Parliament's report and the Notes on Clauses of the Copyright Amendment Bill. The Indian Copyright (Amendment) Act 2012 was also studied by Chakraverty (2015), who paid close attention to Sections 65A and 65B. Section 65A provides definitions for Technological Protection Measures (TPMs)

to safeguard digital copyrighted works and Anti-Circumvention Law for Legislative Amendments to Counteract Their Misuse. The Related Rights Management Information is protected by Section 65B.

4. Methodology

All the G7 countries including countries in European Union and India have been taken for this study. Information has been gathered from the nations' official websites. When there is insufficient information available or information that is not in English, data is taken from websites run by IFLA, UK Copyright and Creative Economy Centre (CREATe), ICLG.com, and WIPO.

5. Observations

Various Copyright amendments in G7 countries and India have been discussed in below:

5.1 France: Amendment & Court Cases

- On November 24, 2021: Regarding the application of Directive 2019/790 on copyright and related rights in the digital single market, amended by Ordinance No. 2021-1518.
- On March 31, 2022: A significant proportionality analysis was conducted by the Nanterre judicial court concerning the justification of modest copyright infringements in light of fundamental freedoms including the right to free speech.

5.2 Italy: Amendment & Court Cases

- November 8, 2021: The Legislative Decree No. 181 issued by the Italian Parliament enacted Directive 2019/790.
- The Copyright Act's Article 46 guarantees that authors and artists of cinematographic works shall be entitled to a portion of the money made by showing their films in theaters.
- According to Article 14-17 of Legislative Decree 70/2003, Italian courts have begun to restrict the liability exemptions for information society service providers. The providers' character (passive or active) must be taken into consideration when determining the limiting criteria.

5.3 Germany: Amendment & Court Cases

- May 31, 2021: Implemented the Digital Single Market Directive.
- June 7, 2021: Enacted the EU 2019/789 Online SatCab Directive, which addresses the online exploitation of broadcast programming.

5.4 Japan: Amendment & Court Cases

- January 1, 2020: Broadens the subject matter of the work to prohibit downloading a work that was illegally uploaded.

- July 21, 2020: The Supreme Court of Japan stated that Use of profile image in Tweeter without attributing the owner of the work is considered as infringement.
- October 1, 2020: Amended to handle so-called “leech websites”.
- June 2, 2021: Eliminates dual licensing for broadcasting and online distribution.

5.5 Canada: Amendment & Court Cases

- June 23, 2022: Extends the term of copyright protection from author’s life plus 50 years to 70 years.
- The government will endeavor to guarantee a robust educational publishing business, according to ‘Legislative Measures’ of Budget 2022.

5.6 India: Amendment & Court Cases

- 2021: Instead of the "Copyright Board," the "Appellate Board" has been established.
- Modifications to the copyright societies' collection of royalties regulations have been done. In this way, the copyright society collects royalties, which are then typically allocated in accordance with the distribution plan (Rules 44 to 67). The regulation suggests that in order for copyright societies to collect and distribute royalties, a digital payment mechanism must be developed and the data must be electronically preserved.
- Rule 69 stipulates that the Register of Copyrights must be maintained in both physical and electronic form.
- 2021: There's a new copyright journal that you can access on the official website. As a result, publishing in the official gazette will no longer be necessary; instead, it must be published in the copyright journal.
- The Rule 70 Amendment makes software copyright registration less difficult at the time of implementation.

6. Findings

6.1 Significant Amendments

- India is advanced than other in the field of application of Artificial Intelligence (AI) in cinematography.
- Unreal Video Production has taken initiatives for world’s first AI-generated films with Wagner Entertainment Group which is a revolutionary attempt to use AI technology in the industry.
- Japan amended their Copyright Acts regarding use of AI in 2018.
- The Government of Canada is proactive for Artist's Resale Right (ARR).

- In order to create a contemporary copyright framework for artificial intelligence (AI) and the Internet of Things (IoT), the Federal Government of Canada held a public consultation in 2021.
- For the first time ever, an application to register copyright in a painting with an AI program as a co-author was accepted by the Canadian Intellectual Property Office.
- More court cases are found regarding cinematographic in Canada.
- India in AI:
 - 184 Government initiatives on AI have been taken till now.
 - 96 case studies and 287 startups on AI already done.
 - 37 institutions engaged in research on AI.

6.2 Adaptation of Directive on Copyright in the Digital Single Market

In spring 2019, the digital community looked to Brussels, as the European Union Council ratified the Directive on Copyright in the Digital Single Market on April 15–17. The purpose of the Directive is to update EU copyright laws for the digital era. The target date for inclusion was June 7, 2021. The Directive has been duly implemented by the Netherlands, Germany, and Hungary. "Many countries have admitted that they are going into extra time on the transposition field, with more time needed for the parliamentary process (Croatia, Estonia, Italy), studying final drafts laws (Finland, Slovenia, Romania, Austria, Belgium, Bulgaria, Cyprus, Czechia, Lithuania, Denmark, Slovakia), or preparing pre-drafts (Greece, Latvia, Malta, Norway, Poland, Spain and Sweden), while some are not yet on the field (Portugal)" (IFLA, June 7, 2021).

7. Conclusion

Most of the advanced countries have amended their Copyright Acts regarding Information technology and almost all the countries in the EU has put the Digital Single Market Copyright Directive into effect. The issues of legal cases under Copyright Act in those countries are mainly on broadcasting, transforming in to digital media, infringement, computer programme etc. But in India, most of the issues on sound recording, copyright infringement, dubbing etc.

India is advanced than other in the field of application of AI in cinematography. Unreal Video Production is the one who has stepped forward to pave the way for future AI-generated films with their initiative to produce the world's first AI-generated feature film in association with Wagner Entertainment Group. The company has grabbed the attention of their revolutionary attempt to use AI technology in the industry.

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