



FOREWORD

The genesis of this book lies in a University Grants Commission Major Project on the Global Copyright and Neighbouring Right Regime entrusted to Prof. S. Sivakumar and Assistant Professor Dr. Lisa P. Lukose of the Indian Law Institute between 2009-2011. The Project was completed by Prof. S. Sivakumar as the Principal Investigator and Dr. Lisa P. Lukose as the Co-investigator. The final report of the Project was submitted on 28th November, 2011. While the Project was still underway, the Project team published an article on the same topic in the Chanakya Law Review, which was appreciated by many in the Copyright Law circles.

Subsequently in 2012, the Copyright Amendment Act was passed bringing about several changes in the concept of Neighbouring Rights. In March, 2013, the Copyright Amendment Rules also came into force. Substantial changes have taken place after the publication of the final Report of the Project which has been taken note of by Prof. S. Sivakumar and Dr. Lisa P. Lukose, who have undertaken a thorough revision of the Project work, resulting in the creation of this work. A new chapter has been added in regard to the amendments effected by the Copyright Amendment Act and the Copyright Amendment Rules and changes have also been made in all the Chapters in the light of the amendments and the judicial decisions that have been pronounced after the publication of the Report.

The concept of "Neighbouring Rights" has emerged as a form of Intellectual Property Right. The said term is used in the Copyright Law parlance to indicate the rights of performers and producers to be compensated when their performances and recordings are disclosed to the public. Over the passage of time, the concept of Neighbouring Rights has developed to protect the rights of individuals who contribute in making available to the public creative works or is instrumental in production of material which attract a copyright-like protection, but is not original or creative enough to qualify for actual copyright protection. The beneficiaries of such rights are generally persons involved in the production other people's works, performers and broadcasters.

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In this extensive and detailed work, the authors have gone into various questions relating to the Copyright Law under the Copyright Amendment Act, 1994, which introduced the concept of "Broadcasting Reproduction Rights" in India and other Intellectual Property Rights, which have been the subject matter of various judicial decisions, both of the High Courts and the Supreme Court in India. While considering the concept of Intellectual Property Rights as existing in India relating to Neighbouring Rights, the authors have also taken note of various International Treaties such as the Rome Convention, TRIPS, WPPT and WCT and the role played by WIPO, which is in the process of drafting a separate Treaty for protecting the interests of the broadcasting organizations.

This book will be extremely useful to those who are concerned with Intellectual Property Rights in the form of Copyright Law and related rights in the form of "Neighbouring Rights" and others who are also interested in the protection of "Broadcasting Reproduction Rights". This book will also prove to be of immense value to the judiciary and members of the Bar and will provide an insight into the progress and development of Intellectual Property Rights with special emphasis on the Copyright Law. This is a book which will also fulfil the long cherished need of the academic community of a book on Intellectual Property Law in the light of the recent amendments. This book will also prove to be a milestone amongst ILI publications and will immensely enhance the standing of the Indian Law Institute amongst academia.


(Altamas Kabir)