CASE COMPENDIUM

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CASE COMPENDIUM

(India Specific)

List of Copyright Cases

1. IPRS V. EASTERN INDIA MOTION PICTURES ASSOCIATION

Citation: (1977) 2 SCC 820

PLAINTIFF	DEFENDANT
Indian Performing Right Society (IPRS)	**Eastern India Motion Pictures Association**

Facts: IPRS claimed that composers and lyricists retained the right to collect royalties for their music even after it was used in a film. The defendants argued that once the music was part of a cinematograph film, the producer became the sole owner.

Explanation: This addressed the hierarchy of rights between individual creators and film producers.

Issues: Whether the producer of a film is the "first owner" of copyright in the music and lyrics under Section 17? Whether authors retain independent rights once the work is incorporated into a film?

Ruling: The Court ruled that the film producer is the first owner of the copyright unless a contract to the contrary exists. This effectively stripped composers of independent royalty rights.

Amendment: Yes. The Copyright (Amendment) Act, 2012 added provisos to Section 17 and 18, ensuring that authors of literary and musical works retain an "unassignable right" to receive royalties for the utilization of their work.

Impact on Indian Copyright Law: This case was the catalyst for the 2012 "Royalty Revolution," which fundamentally changed the economic landscape for Indian songwriters and composers.

2. R.G. ANAND V. DELUX FILMS

Citation: (1978) 4 SCC 118

PLAINTIFF	DEFENDANT
R.G. Anand	**Delux Films & Ors.**

Facts: The plaintiff, a playwright, alleged that the defendants' film New Delhi was a copy of his play Hum Hindustani. He claimed the film plagiarized the central theme of provincialism and several character arcs. The court compared the scripts to determine if protected expression was taken.

Explanation: This case established the "Lay Observer Test" to determine if a viewer would find the two works substantially similar.

Issues: Whether copyright protects an idea or the specific expression of that idea. What constitutes "substantial similarity" for a finding of infringement.

Ruling: The Supreme Court held there was no infringement. It ruled that copyright does not extend to ideas, themes, or historical facts, but only to the specific arrangement of words and scenes.

Amendment: No legislative amendment followed, but it remains the definitive judicial interpretation of the Idea-Expression Dichotomy.

Impact on Indian Copyright Law: It created the "Seven Commandments" for determining copyright infringement, which are still used by Indian courts to differentiate between copying an idea and copying expression.

3. NAJMA HEPTULLA V. ORIENT LONGMAN LTD.

Citation: AIR 1989 Del 63

PLAINTIFF	DEFENDANT
Najma Heptulla	**Orient Longman Ltd.**

Facts: Maulana Azad wrote his memoirs, India Wins Freedom, with the help of a researcher (Humayun Kabir). He dictated his thoughts, which Kabir transcribed. After Azad's death, his heir (Najma Heptulla) sought to prevent the publication of the remaining unpublished 30 pages of the manuscript.

Explanation: This case addressed who owns the copyright when one person speaks and another person writes.

Issues: Who is the "author" of a work: the one who provides the ideas or the one who transcribes them? Rights of legal heirs over posthumously published works.

Ruling: The Court held that Maulana Azad was the sole author because the ideas and expression originated from him. The transcriber was merely a medium. Consequently, the rights passed to his legal heirs.

Amendment: None.

Impact on Indian Copyright Law: Clarified the distinction between a "ghostwriter" (or transcriber) and the actual author, confirming that copyright vests in the person who conceives the expression, even if they don't physically write it down.

4. CIVIC CHANDRAN V. AMMINI AMMA

Citation: 1996 PTC (16) 670

PLAINTIFF	DEFENDANT
Ammini Amma	**Civic Chandran**

Facts: The defendant wrote a play titled Ningal Are Communist Akki as a counter-critique and parody of the plaintiff's famous play Ningal Enne Communist Akki. The plaintiff sued for infringement, alleging that substantial portions and characters were copied without permission.

Explanation: The case examined the line between criticism/parody and outright theft.

Issues: Whether a parody constitutes "fair dealing" under Section 52. How much of an original work can be taken for the purpose of criticism.

Ruling: The Kerala High Court held that the parody did not infringe copyright. It ruled that if the purpose is to criticize or provide a counter-perspective, taking elements from the original is permissible fair dealing.

Amendment: None.

Impact on Indian Copyright Law: It solidified the "Fair Dealing" defense in India, specifically protecting transformative uses like parody and social commentary as essential to free speech.

5. EASTERN BOOK COMPANY V. D.B. MODAK

Citation: (2008) 1 SCC 1

PLAINTIFF	DEFENDANT
Eastern Book Company (EBC)	**D.B. Modak & Anr.**

Facts: EBC sued the defendants for reproducing legal judgments from their journal, Supreme Court Cases (SCC). EBC argued that their additions — such as headnotes, paragraph numbering, and editorial corrections — transformed public domain judgments into protected derivative works requiring copyright protection.

Explanation: The case redefined what "originality" means for factual compilations and legal databases.

Issues: Whether a modicum of creativity is required for copyright protection. Whether "sweat of the brow" (mere labor) is sufficient to claim copyright.

Ruling: The Court rejected the "sweat of the brow" doctrine. It held that for a work to be original, it must show a "modicum of creativity" and involve an exercise of skill and judgment that is not purely mechanical.

Amendment: None.

Impact on Indian Copyright Law: Shifted the Indian standard of originality away from British labor-based standards toward a more creative standard, balancing the protection of effort with the public's right to access information.

6. ENTERTAINMENT NETWORK (INDIA) LTD. V. SUPER CASSETTE INDUSTRIES LTD.

Citation: (2008) 13 SCC 30

PLAINTIFF	DEFENDANT
Entertainment Network (India) Ltd. (Radio Mirchi)	**Super Cassette Industries Ltd. (T-Series)**

Facts: Radio Mirchi played music from T-Series without a license after they couldn't agree on royalty rates. T-Series sued for infringement, and Radio Mirchi sought a compulsory license from the Copyright Board, arguing that the music owner was unreasonably withholding access.

Explanation: This case dealt with market monopolies versus the public's right to broadcast media.

Issues: Whether the Copyright Board has the power to grant compulsory licenses when a copyright owner refuses to license music. Interpretation of Section 31 regarding "unreasonable" refusal.

Ruling: The Supreme Court held that while the owner has the right to decide royalties, they cannot absolutely refuse to license music in a way that creates a monopoly or hinders the public interest. Compulsory licenses can be granted.

Amendment: Reinforced and expanded by the 2012 Amendment, particularly the introduction of Section 31D, which provides for statutory licenses for radio and television broadcasting.

Impact on Indian Copyright Law: Created a framework for balancing the property rights of labels with the operational needs of the broadcasting industry.

7. UNIVERSITY OF OXFORD V. RAMESHWARI PHOTOCOPY SERVICES

Citation: 2016 SCC OnLine Del 5581

PLAINTIFF	DEFENDANT
Oxford University Press & Ors.	**Rameshwari Photocopy Services & Anr.**

Facts: Major international publishers sued a small photocopy kiosk located within the Delhi University campus. The kiosk was creating "course packs" — bound photocopies of specific chapters from expensive textbooks — for students, which the publishers argued was mass piracy and lost sales.

Explanation: This was a battle between academic intellectual property and the "right to education."

Issues: Whether making course packs for students falls under the "educational use" exception of Section 52(1)(i). Whether "reprographic" (photocopying) reproduction is limited to a single copy.

Ruling: The Delhi High Court ruled in favor of the photocopy shop. It held that copyright is not an "inevitable divine right" and that Section 52(1)(i) allows for the reproduction of works by a teacher or pupil in the course of instruction without limit.

Amendment: None.

Impact on Indian Copyright Law: Globally significant, it established India as a jurisdiction that prioritizes educational access over strict copyright enforcement, interpreting "fair dealing" very broadly in academic contexts.

8. SUPER CASSETTES INDUSTRIES LTD. V. MYSPACE INC.

Citation: 2011 (48) PTC 49 (Del)

PLAINTIFF	DEFENDANT
Super Cassettes Industries Ltd.	**Myspace Inc.**

Facts: T-Series sued Myspace for allowing users to upload and share music videos for which Myspace did not own the rights. T-Series argued that Myspace benefited from the infringing content and should have a system to pre-screen every upload.

Explanation: The case determined the liability of "intermediaries" (platforms) for user-generated content.

Issues: Whether a platform is liable for infringement committed by its users. The applicability of the "Safe Harbor" protection under the IT Act vs. the Copyright Act.

Ruling: The Court initially held Myspace liable, but on appeal, it was clarified that intermediaries are protected if they follow "Notice and Take Down" procedures. They are not required to pre-screen content but must remove it once notified of infringement.

Amendment: The Copyright Rules, 2013 (Rule 75) later codified the notice and take-down procedure for website operators.

Impact on Indian Copyright Law: Defined the boundaries of secondary liability for internet platforms, ensuring that the digital economy could function without platforms being sued for every user upload.