

THEME - “IP Enforcement and Copyright Societies in India.”

Speakers

Mr. Dhruv Maingi, Director, Netrika; and Ms. Sonal Chhablani, Senior Associate, Sai Krishna & Associates.

Moderator

Kushagra Dash, Pragya Agrwal and Mehera Pulavarty, members of Intellectual Property Analysis and Advocacy Centre (IPAAC), NLUO

Organized by

Intellectual Property Analysis and Advocacy Centre (IPAAC), NLUO in collaboration with Cell for IPR Promotion and Management (CIPAM)

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Vote of thanks

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1. Presentations by the Speakers

(a) *Mr. Dhruv Maingi, Director, Netrika*

Mr. Dhruv Maingi primarily explained the operation of his organization, Netrika and “Intellectual Property Enforcement”. He began by informing the attendees about his organization, Netrika, and the services it offers, which include due diligence, security and risk consulting, and forensic accounting, to name a few. He also informs the audience about the General Data Protection Regulation, which governs the data of EU citizens. After discussing his organization's associates, he informs the attendees about lost sales due to a lack of IP enforcement.

He then claims that patents, copyrights, trademarks, and trade secrets all provide a unique set of intellectual property rights and protections, most notably the ability to sell, licence, use, profit from, and/or distribute the covered invention, mark, or work. When a third party violates any of your rights, you have the option of taking legal action to enforce your rights against that third party, he said. He also explains that IP enforcement is defined as any legal actions you take to protect your intellectual property rights and ensure that no third party uses them without your permission, as well as obtaining compensation for losses if they do. Multiple sections of IP acts, specially trademark act, have been discussed in this regard, as well as what police/law enforcement authorities can do when a third party violates any of your rights.

He discussed various threats to intellectual property, such as counterfeiting and copyright infringement, as well as his own experience dealing with them. He then tells the attendees about his organization's recent actions after explaining the prerequisites for conducting an enforcement action. He introduces one of his clients to the attendees after discussing a case involving IP enforcement. Finally, he discusses his organization's role and the tasks it performs.

(b) *Ms. Sonal Chhablani, Senior Associate, Sai Krishna & Associates*

Ms. Sonal Chhablani reminded the attendees that what copyright is and where it came from. She has then progressed to different categories of works that can be copyrighted, explaining them using relevant case law and sections of the copyright act. She then moved on to the concept of first ownership, identifying a number of situations in which the person who commissions a work owns a copyright in the work. After explaining the fundamentals of copyright, she progressed to the administration of copyright societies, in which she explains how a society can be registered as a copyright society and the functions that copyright societies perform with the help of relevant sections that has been there in the copyright act.

She moved on to different types of schemes that a copyright society frames or publishes in accordance with the act after explaining everything relevant. Then she reminded the attendees of the 2012 amendment on copyright societies to bring about just and equitable copyright administration, as well as the requirement that every copyright society be re-registered within a year of the amendment. She then goes up to explain how Performer's society is registered and managed.

She then moved on to the important section of the copyright act that discusses "Assignment of Copyrights" and "Right to Royalties" and explains how an amendment added multiple provisions in each section. She then began explaining the need for statutory licences for Cover versions, citing the relevant section and case law. She then began explaining the very important rights of the author, which are "Moral rights" provided under the act, using relevant sections. Finally, she discusses what constitutes infringement and what remedies are available to protect your intellectual property.

3. Questions and comments

A number of perspectives emerged in the general discussion. Several participants asked about how IP can be enforced in case of different sectors and are IPs really protected under the relevant laws.

Some participants also brought up the issue of fair dealing and the exceptions to copyright infringement. Other questions raised by participants included whether permission is required to use a work protected by copyright and whether works published on the internet are free to use. One of the participants raised an important point: is it really necessary to register copyright? Another important legal question has been raised regarding the legal management of copyright societies. One participant also raised the question of who will be the owner of the work if it is created while someone is employed.

4. Conclusions

In their concluding remarks, the first speaker said that there is a strong need for IP enforcement. In his final remark, he stated that the general public must be aware of Intellectual Property Rights as well as IP enforcement.

In her closing remarks, the second speaker stated that copyright societies are doing their job by protecting the work of their member authors and providing remedies in the occurrence of infringement.