

IPR: COPYRIGHT INFRINGEMENT IN BOLLYWOOD

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ABSTRACT

This study examines the widespread problem of copyright infringement in the Bollywood sector, examining its various facets, effects, and possible remedies. Based on an extensive analysis of extant literature, court rulings, and business publications, the study investigates the several types of copyright violations that are common in Bollywood, such as the unapproved duplication, modification, and dissemination of works protected by copyright. It also examines the ethical, creative, and financial ramifications of such violations for artists, rights holders, and the industry at large. This article examines the fundamental causes that contribute to copyright infringement in Bollywood, ranging from lax enforcement systems to cultural norms and market pressures, by closely examining notable case studies and recent trends. Additionally, it evaluates how well-functioning the current legal systems,

enforcement protocols, and anti-piracy campaigns discourage and oppose infringement. In order to mitigate copyright infringement in the Bollywood business, the report concludes with a number of suggestions and tactics, including improved enforcement procedures, stakeholder collaboration, public awareness campaigns, and technology interventions. This paper aims to deepen our understanding of the copyright protection issues in Bollywood by providing a thorough analysis and practical insights. It also aims to provide guidance for industry practices and policy interventions that protect creative rights and promote a more just and sustainable entertainment ecosystem.

Keywords: copyright infringement, Bollywood, film industry, intellectual property, legal framework.

INTRODUCTION

In the Bollywood industry, copyright infringement is a serious problem that should be taken into account for a number of reasons.

- **Piracy:** Unauthorized versions of Bollywood films are frequently released through a variety of outlets, such as illicit streaming services, internet platforms, and DVDs. Filmmakers and producers lose a lot of money as a result of this.
- **Remake Culture:** Bollywood has a history of remaking foreign films without securing legal rights or approvals. Some remakes are done with permission, while others are made without authorization, which can result in legal issues and accusations of copyright infringement.
- **Plagiarism in music:** Bollywood music composers have been

accused of plagiarism several times with songs that bear a striking resemblance to international songs or even songs from within the industry. These cases often lead to legal battles and tarnish the reputations of those involved.

- **Theft of script and story:** Theft or plagiarism of script and story is not uncommon in Bollywood. Authors and filmmakers sometimes find that their work is used without credit or compensation, leading to lawsuits and disputes.
- **Legal battles:** Bollywood copyright infringement cases often end up in lengthy legal battles where both sides fight to protect their rights. These disputes can last for years and have significant financial and reputational consequences for the parties involved.
- **Impact on creativity:** Copyright infringement stifles creativity and innovation in the industry. Filmmakers and artists may hesitate to explore new ideas or take risks for fear of accusations of plagiarism or legal repercussions.
- **Need for stronger enforcement:** Bollywood is increasingly recognizing the need for enforcement of copyright laws. This includes stricter regulations, penalties for violators, and closer cooperation between industry stakeholders and law enforcement agencies.

In order to protect creators' rights and sustain the growth of the Indian film industry in the long term, it is necessary to address copyright infringements.

The Copyright Act of 1957 in India governs most copyright violations in Bollywood. This regulation gives lawful assurance to

unique works of initiation, including movies, music, and other inventive articulations. Under this law, violations of these rights, such as distribution or reproduction without permission, may result in legal action.

Where an entire industry, like the media and media outlets, relies on "inventiveness" and consistently brings a novel, new thing to the table, the insurance of such happiness and the capacity to keep it from being duplicated become fundamental. Copyright is a type of protected innovation, and that implies property that isn't unmistakable. For instance, an actual property like a real estate parcel or a structure can be safeguarded from intruders by utilizing various methods for security; however, what occurs if I compose content for a film that is the product of my own 'mind' and I need to shield it from others duplicating it? For this situation, scholarly property regulations and, on account of abstract, melodic, sensational, or film works, intellectual property regulations assist with safeguarding such works.

On account of motion pictures, legitimately called "cinematograph films," the maker is generally the proprietor of the film, which is a "protected innovation," and he has the option to conclude what occurs with it, whether he needs to permit others to repeat, interpret, redo, duplicate, or adjust his protected innovation. He can likewise make a lawful move against any individual who, without his consent, attempts to utilize, recreate, decipher, revamp, duplicate, or adjust his motion pictures, be they from Hollywood or the South Indian film industry. There have been situations where a Bollywood film was replicated as well!

In spite of the multitude of regulations we have in India, replicating others work is common, particularly in the Bollywood business. Numerous times, Bollywood has been accused of imitating other films' plots.

Did you know that the famous song "Mehbooba Mehbooba" from everyone's favorite movie "Sholay" is a cover of "Say You Love Me" by Demis Roussos' Movie "Partner" by David Dhawan, and "Hitch" by Will Smith, among other examples? In this review, we will be taking a gander at a few popular instances of copyright encroachment (that is, the lawful term, or at least, work that is replicated without consent) in Bollywood and what the Indian Courts chose.

OBJECTIVES

- Examine the degree of copyright violations in Bollywood through an examination of current case studies and court cases.
- Examine the ethical and cultural aspects of copyright violations in Bollywood, considering the effects on artistic integrity, cultural representation, and public opinion.

WHEN COPYRIGHT IS INFRINGED UNDER THE ACT

Under Segment 51 of the Copyright Act, 1975, copyright in a work is considered to be encroached:

1. At the point when any individual, without a permit conceded by the proprietor of the copyright or the Recorder of Copyrights under this Demonstration or in repudiation of the states of a permit so allowed or of any condition forced by a skilled power under this Demonstration

- (i) Does anything, the elite right to do which is by this Act gave upon the proprietor of the copyright, or
 - (ii) Licenses for benefit any spot to be utilized for the correspondence of the work to the public where such correspondence comprises an encroachment of the copyright in the work, except if he didn't know and had no sensible ground for trusting that such correspondence to the public would be an encroachment of copyright or
2. At the point when any individual
- (i) Makes available to be purchased or recruited, or sells or lets for employ, or via exchange shows or makes available for purchase or recruit, or
 - (ii) Disseminates either with the end goal of exchange or so much as to influence preferentially the proprietor of the copyright, or
 - (iii) Via exchange displays public

MOVIE COPYRIGHT INFRINGEMENT CASES IN INDIA

Here, we will dig into a couple of huge film copyright encroachment cases that have occurred inside the Indian entertainment world. These cases act as instances of the difficulties faced in safeguarding licensed innovation privileges in India.

1. R.K. PRODUCTIONS PVT. LTD. VS. R.K. FILMS CORPORATION (1989)

This case included the unapproved change of the exemplary Indian film "Ram Teri Ganga Maili" (1985), coordinated by Raj Kapoor. R.K. Creations sued R.K. Films Company for delivering

the unapproved Tamil adaptation of the film called "Pudhu Pudhu Arthangal" (1989). The Bombay High Court decided for R.K. Creations, forestalling the arrival of the Tamil film and starting a trend for future copyright encroachment cases in India.

2. RAABTA VS MAGADHEERA

Raabta was, as of late, hit with a copyright encroachment suit by the makers of the Telugu film Magadheera. The two movies include sweethearts who see one another in a subsequent life (resurrection). Different likenesses incorporate an equal representation of the two unique "births" or generational settings, with the past one being an illustrious, middle-aged setting. In addition, there is a notable antagonist in both films who tries to win the woman over. Afterward, the suit was removed under Request 23 Rule 1 of the Common System Code as the gatherings consented to an out-of-court settlement, all things being equal.

3. PARTNER

We should consider the famous 2005 Hollywood film Hitch. Overbrook Diversion, alongside Sony Pictures, considered a \$30 million claim against the makers of 'Accomplice'. Even though the creators of "Partner" received cease-and-desist letters, talk of a lawsuit soon died down. A cease-and-desist letter is a written request for the recipient to "cease and desist" from violating the sender's legal rights or ownership. It undermines the claim assuming the supposed infringement of the source's privileges or possession doesn't stop and remuneration for infringements that have previously occurred. It is consequently an implementation procedure to resolve a debate without a case. If there is no alleged

infringement of the sender's legal right, a cease-and-desist notice in a copyright action may give rise to the right to file a suit under Section 60 of the Copyright Act to counter such a threat and request relief.

4. SHOLAY

The Hon'ble Court decided that film titles can be recognized under trademark law. In India, "SHOLAY" is a classic example of a title like this. The Hon'ble Court, depending on points of reference, drew a distinction between copyright insurance for a title and exchange mark security.

5. ANIL KAPOOR FILM COMPANY VS. T SERIES (2012)

Anil Kapoor's creation house sued T series for utilizing the melody "simple bina tu" from the film "phata poster nikla hero"(2013), charging that it was a duplicated rendition of the tune "dil mera muft ka" from their film "agent vinod" (2012). At last, the case was privately addressed for any outstanding issues, with the parties consenting to pay an amount of Rs 50 lakh as remuneration. Digging Further into Copyright Encroachment in Bollywood: A Complex Issue Copyright encroachment creates a long-shaded area over Bollywood, the energetic yet frequently dubious Indian entertainment world. While allegations fly thick and fast, unraveling the intricacies requires a more profound jump into the issue.

- **Predominance and Structures:** The sheer number of Bollywood films blamed for getting vigorously, assessed at 70–80%, lays out an unmistakable picture. This "motivation" can appear in different ways: storyline mimicry: from core plot points to character arcs,

entire narratives are sometimes lifted, often with cosmetic changes. Think "Ghajini" (2008), echoing "Memento" (2000).

- **Character Clones:** Dearest or notorious characters are reconsidered with slight changes, navigating a precarious situation among tribute and encroachment. "Wear" (2006) gets intensely from the eponymous 1978 film, itself enlivened by a Hollywood source.
- **Melodic Misappropriation:** Counterfeiting in music is wild, with tunes, verses, or even whole melodies being "adjusted" without consent. The 2012 film "Joker" confronted allegations for its music looking like tracks from "The Dull Knight" (2008).
- **Scene-by-Scene Taking:** Conspicuous duplicating of explicit scenes, some of the time with indistinguishable camerawork and movement, is another normal allegation. "Race 2" (2013) drew fire for recreating activity groupings from "The Quick and the Irate" establishment.

DO MOVIE POSTERS HAVE COPYRIGHT?

Copyright protects film posters as well as other artistic creations. At the point when a film banner is planned, it's not just a limited time device but rather a piece of craftsmanship that epitomizes the pith of the film. The illustrations, typography, pictures, and, surprisingly, the course of action of components on the banner are exceptional manifestations of the creator or the group behind it. Accordingly, they have the selective right to conclude how this banner is duplicated, circulated, or showed. This really intends that without the fitting authorizations, one can't legitimately replicate, sell, or even

showcase the banner in specific public settings. The poster's artistic and commercial value is preserved thanks to copyright protection. It forestalls unapproved proliferations which could weaken the brand of the film or encroach on the privileges of the specialists who made the banner. Thus, next time you respect a film banner, recollect there's a layer of legitimate security behind its charming visuals!

Examples of Movie Poster Copyright Issues

The Indian entertainment world, famously known as Bollywood, has confronted a few examples of copyright debates, particularly concerning film banners. Here are a few striking models:

1. "Judgmental Hai Kya" Discussion: The film "Judgemental Hai Kya," featuring Kangana Ranaut and Raj Kumar Rao, confronted claims of encroachment. Flora Borsi, a European artist, said that one of the movie posters was copied from her. She guaranteed that the producers didn't look for her authorization or give her credit.
2. "SOLO" Standard Issue: The fashioners of the film "SOLO" were faulted for duplicating the arrangement from a movement of assortment covers made in 2015 for Sony.
3. "PK" Banner Discussion: It was alleged that the poster for the blockbuster film "PK" by Aamir Khan was based on Quim Barreiros' album cover.
4. "Aitraaz" versus "The Alumni": The 2004 film "Aitraaz," featuring Akshay Kumar, was blamed for replicating its banner from the 1967 film "The Alumni."
5. "Anjaana Anjaani" Claims: The film "Anjaana Anjaani,"

featuring Ranbir Kapoor and Priyanka Chopra, confronted claims that its banner was duplicated from the film "Training" delivered in 2009.

6. "Zindagi Na Milegi Dobara" VS "Masters of Dogtown": The well-known film "Zindagi Na Milegi Dobara" was affirmed to have replicated its banner from the film "Rulers of Dogtown" delivered in 2005.

WHO OWNS THE COPYRIGHT IN MOVIE POSTER?

The copyright of a film banner normally has a place with the significant film studio or creation organization that delivered or supported the film. At the point when film covers are made, they're normally charged by the film studio. The creators or specialists who make this film banner craftsmanship are in many cases working under a "work-for-recruit" understanding.

In such situations, despite the fact that the craftsman makes the film banner picture, the legitimate copyright is consequently moved to the substance that authorized the work, for this situation, the significant film studio. Nonetheless, there can be special cases. On the off chance that a free craftsman makes a film banner picture without a work-for-employ understanding and later sells or licenses it to a studio, the first copyright on pictures could stay with the craftsman, except if expressly moved in a legally binding arrangement. This is where a craftsman guarantee can become possibly the most important factor. In essence, while the poster is designed by the artist, the copyright-protected legal rights frequently belong to the film studio or production company.

COPYRIGHT INFRINGEMENT IN MUSICAL WORKS

It tends to be trying to figure out who claims material made under intellectual property regulations; this is particularly true for the music industry. In this industry, the line between similar pieces is turning out to be darker and enigmatically characterized. The issue of deciding legitimate possession is very hard due to the wealth of music-related material that is accessible on the web. There's a raised probability that some recently evolved work might be incidentally utilized accidentally. Additionally, we are currently experiencing what is referred to as "the mash up era."

Redoing music has turned into a regular movement in this day and age, and it is unquestionably at its level at the present time and continues to develop.

There are arrangements in the Copyright Act relating to subsidiary tunes; in any case, it is hazy assuming these arrangements additionally apply to remixes. Eventually, record marks get tremendous monetary compensations from the offer of these melodies or from involving them in films, meanwhile seldom paying the specialists. One generally perceived tune that represents this sort of craftsman double-dealing is classified "Masakali 2.0." The first 'Masakali' was a cooperation between the unbelievable record firm T-Series and our regarded writer A.R. Rahman and lyricist Mr. Prasoon Joshi. The way things are, T-Series delivered the melody's subsequent form, "Masakali," without acquiring earlier consent from the melody's unique distributors. This representation shows how record organizations' freedoms are being addressed.

Cases of Music Infringement in the Film Industry

Unlawful use, conveyance, or trade of content safeguarded by copyright might bring about serious lawful repercussions. Whenever demonstrated at fault for copyright encroachment, people or associations might be dependent upon serious repercussions, misfortunes and limiting requests that prevent them from taking part in any more criminal behavior.

- 1. Saregama India Ltd. v. Sanjay Bansal:** In this particular instance, Saregama India, a well-known music label, filed a copyright infringement lawsuit against Sanjay Bansal because the latter was selling unauthorized copies of copyright-protected sound recordings. Saregama India won the case, and the court ordered Bansal to stop distributing music protected by copyright without permission and pay fines.
- 2. Dharma Productions' 2020 release titled "Gunjan Saxena – The Kargil Girl":** It has been accused of copyright infringement. The Indian Singers Rights Association has filed a lawsuit claiming “royalty” against performance under the Copyright (Amendment) Act of 2012. It is accepted that the entertainers' privileges in various tunes have been taken advantage of.
- 3. Ae Dil Hai Mushkil and Universal Conflict Z:** It is obvious that the initial not many notes of the recently delivered Bollywood film Ae Dil Hai Mushkil are a farce of Universal Conflict Z's signature melody. Pritam Chakraborty is the arranger and Karan Johar is the head of the film. As expressed in an article delivered in Bulleya, one more melody taken from Daddy Roach's' Final Hotel.

4. **Yash Raj Productions Ltd. v. Sri Sai Ganesh Creations:** Due to unapproved duplication and dispersion of their film, Yash Raj Movies, a notable film creation firm, recorded a copyright encroachment claim against Sri Sai Ganesh Creations. The court chose in Yash Raj Movies' approval, granting harms for copyright encroachment and giving a controlling request against Sri Sai Ganesh Creations.
5. **Super Tapes Ventures Private Restricted versus Goldmines Telefilms Private Restricted:** In this instance, T-Series, the plaintiff, filed a lawsuit against Goldmines Telefilms, the defendant, seeking a permanent injunction to protect the plaintiff's sound recordings of cinematograph films from copyright infringement, tortious disruption, and other harm. The case was brought with respect to the utilization of general media tracks from the accompanying movies(i) Diljale ii) Primary Aisa Greetings Hoon iii) Vaastav iv) Honey bees Saal Baad v) Ek Chaddar Maili Si vi) Master vii) Hisaab Khoon Ka viii) Jungbaaz.

SECTION 51 OF THE COPYRIGHT ACT ABOUT THE COPYRIGHT VIOLATION OF MUSIC:

If someone wants to remix a song, they must comply with the rights of the original author, which include: Prior notice of the intention.

- Eminences are paid ahead of time to the proprietor.
- The proprietor has the privilege to assess books of records.
- The remix will be sent off following 2 years of making the first work.

DISCUSSING THE PROS AND CONS OF COPYRIGHT INFRINGEMENT IN BOLLYWOOD INVOLVES CONSIDERING VARIOUS PERSPECTIVES AND IMPLICATIONS

PROS:

- **Cost Decrease:** By staying away from the lawful course of procuring privileges to utilize protected material, creation expenses can be essentially decreased.
- **Artistic liberty:** It is argued by some that copying elements from other works enables filmmakers to come up with fresh interpretations and adaptations, which in turn encourages creativity.
- **Market Allure:** In a diverse country like India, where audiences value familiar cultural references, popular songs or scenes from other cultures may draw a larger audience.

CONS:

- **Legitimate Outcomes:** Copyright encroachment can prompt claims, fines, and harm to the standing of producers and creation organizations.
- **Smothered Advancement:** In storytelling and filmmaking, relying on copied content can hinder innovation and originality.
- **Moral Worries:** It can lead to accusations of plagiarism and disrespect for intellectual property rights, as well as questions about the industry's ethical integrity.
- **Financial Effect:** While it may short-term reduce production costs, it may harm the industry's long-term viability by decreasing

the value of intellectual property and preventing investment in original content creation.

By and large, while copyright encroachment in Bollywood might offer transient advantages, for example, cost reserve funds and potential market claim, the drawn out results, including lawful dangers, moral worries, and smothered development, offset these benefits.

TO DECREASE COPYRIGHT INFRINGEMENT IN THE BOLLYWOOD INDUSTRY, SEVERAL STRATEGIES CAN BE EMPLOYED

- **Successful Lawful Structure:** Reinforcing intellectual property regulations and requirement components to give more grounded insurance to protected innovation privileges.
- **Public Mindfulness Missions:** Sending off instructive missions to bring issues to light among general society about the adverse consequences of copyright encroachment on the business and the significance of regarding protected innovation freedoms.
- **Joint effort with ISPs:** Cooperating with network access suppliers to screen and obstruct admittance to sites and stages that host pilfered content.
- **Technology to Stop Piracy:** Putting resources into trend setting innovations like substance acknowledgment calculations and advanced watermarking to distinguish and forestall unapproved conveyance of protected material.
- **Elective Dispersion Channels:** Giving reasonable and advantageous legitimate options for getting to Bollywood

content, like streaming stages, to diminish the motivator for robbery.

- **Global Participation:** Teaming up with worldwide associations and policing to address cross-line robbery issues and authorize intellectual property regulations universally.
- **Severe Implementation:** Making a lawful move against people and associations engaged with copyright encroachment, including the capture of pilfered material and forcing fines and punishments.
- **Support for Content Makers:** encouraging the creation of original content and reducing piracy by providing content creators with support and resources, including fair compensation and recognition for their work.
- **Buyer Training:** Teaching shoppers about the dangers and results of taking part in copyright encroachment, as well as advancing the benefit of supporting authentic substance makers.
- **Collaborations with technology firms:** Teaming up with innovation organizations to create and execute imaginative answers for battling robbery, for example, obstructing encroaching sites and eliminating pilfered content from web crawler results.

By carrying out a mix of these methodologies, the Bollywood business can pursue diminishing copyright encroachment and encouraging a more reasonable and productive biological system for content creation and circulation.

CONCLUSION

All in all, well known copyright encroachment cases in motion pictures act as significant tokens of the perplexing idea of protected innovation privileges and the difficulties looked by makers, movie producers, and studios in the always developing entertainment world. These high-profile questions feature the need of plainly characterizing the extent of copyright arrangements, practicing an expected level of effort in the innovative flow, and encouraging a culture of regard for the first works of others. As the entertainment world keeps on adjusting to new advances and dissemination models. All partners really must remain informed about intellectual property regulations and best practices to protect their inventive undertakings and guarantee a fair and flourishing climate for development and creative articulation. Copyright encroachment is unquestionably a terrifying issue in any industry; a copyright infringement can likewise influence the standing and adaptation of a craftsman. The unavoidable issue of copyright encroachment in Bollywood requests pressing consideration and thorough arrangements. As investigated in this exploration paper, the business wrestles with moves going from unapproved proliferations to the advanced robbery of imaginative works. It is basic for partners, including producers, policymakers, and content stages, to cooperatively devise strong systems that balance the security of licensed innovation freedoms with the developing elements of the advanced age.

REFERENCES

1. Bytescare. (n.d.). Famous copyright infringement cases in movies. Bytescare. Retrieved October 23, 2024, (<https://bytescare.com/blog/famous-copyright-infringement-cases-in-movies>)
2. Bytescare. (n.d.). Famous copyright infringement cases in movies. Bytescare. Retrieved October 23, 2024, (<https://bytescare.com/blog/famous-copyright-infringement-cases-in-movies>)
3. Bytescare. (n.d.). Movie poster copyright: Understanding legal aspects. Bytescare. Retrieved October 23, 2024, from (<https://bytescare.com/blog/movie-poster-copyright>)
4. iPleaders. (n.d.). Copyright infringement in Bollywood: Understanding the legal aspects. iPleaders. Retrieved October 23, 2024, (<https://blog.ipleaders.in/copyright-infringement-bollywood-2/#:~:text=He%20also%20can%20take%20legal,especially%20in%20the%20Bollywood%20Industry>)
5. Lawyered. (n.d.). Judgemental Hai Kya movie posters: Copyright infringement or not? Lawyered. Retrieved October 23, 2024, (<https://www.lawyered.in/legal-disrupt/articles/judgemental-hai-kya-movie-posters-copyright-infringement-or-not/>)
6. Legal Service India. (n.d.). Copyright violation in the Indian music industry. Legal Service India. Retrieved October 23, 2024, (<https://www.legalserviceindia.com/legal/article-10098-copyright-violation-in-the-indian-music-industry.html>)