
Copyright and Creative Industries in India: Safeguarding Music, Film, Literature, and Soft-Skills under Intellectual Property Rights

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Abstract

This paper aims at exploring the significance of copyright with reference to the creative industry in India, which includes the fields of music, movies, literature, and the relatively new field of soft skills content creation. Copyright is the foundation on which the intellectual property rights (IPR) of the country are established. It grants the creators the exclusive rights over the reproduction, distribution, and communication of their original work under the Copyright Act, 1957. The Copyright Act protects various forms of work such as literary work, musical work, dramatic work, and artistic work, which includes cinematograph films and sound recordings. Thus, the copyright plays a significant role in the creation of the overall creative industry of the country. Despite the presence of a robust copyright framework, issues such as digital piracy and the relatively ambiguous enforcement mechanism pose a challenge to the copyright enforcement mechanism in the country. It further explores the unique implications for soft-skills content — such as training lectures, seminars, and educational media — within the copyright regime. Ultimately, the paper argues that while India's copyright laws provide vital protections that foster innovation and cultural growth, future success will depend on nuanced policy responses, technological safeguards, and increased awareness among creators and consumers alike.

Keywords: Copyright, Intellectual Property Rights, Creative Industries, India, Music, Film, Literature, Soft-Skills

Introduction

The safeguarding of creative content through intellectual property rights has gained heightened importance in the contemporary age of digital dissemination and globalisation. In

India, the creative industries — spanning music, film, literature, and now soft-skills education — constitute a significant portion of cultural output and economic activity. Copyright serves as the primary legal mechanism through which authors and creators can claim and enforce exclusive rights over their intellectual works. Governed by the Copyright Act, 1957, India’s copyright framework has evolved to confront technological advancements and international obligations, including compliance with the TRIPS Agreement. Copyright’s role extends beyond mere legal protection; it undergirds cultural expression, economic incentives, and creative innovation. Yet, challenges such as piracy and enforcement gaps persist, demanding an integrated understanding of how copyright functions across sectors. This paper explores the contours of copyright law in India and its impact on varied creative domains, with a spotlight on music, film, literature, and soft-skills content.

Historical and Legal Framework of Copyright in India

The Indian Copyright Act of 1957 is the basic legislation for copyright protection in India. This Act provides protection for a variety of creative works, such as original literary, dramatic, musical, and artistic works, and cinematograph films and sound recordings. The protection of these works begins automatically upon their creation in physical form and without the need for registration. However, registration provides prima facie evidence in case of disputes. (Cell-for-IPR-Promotion-and-Management)

According to Section 13 of this Act, copyright protection is granted to works of literature, musical works, sound recordings, and films. Cinematograph films have been defined and protection granted to them. This indicates a major extension of copyright protection to cover films. (Scribd) The period of protection for these works extends for the author’s life and 60 years after his death for literary, dramatic, musical, and artistic works, and for 60 years after the publication of the works in the case of films and sound recording works. (Cell-for-IPR-Promotion-and-Management) This ensures protection to Indian creators in other countries and to other creators in India in line with international norms under the Berne Convention and the TRIPS Agreement. (e-Adhyayan)

Copyright in Music: Rights and Challenges

Indian music industry: The Indian music industry, both classical and modern, is a thriving component of the country’s cultural landscape. Copyrights allow the composer, lyricist, and recording artists the exclusive right to reproduce, distribute, perform, or communicate the work to

the public at large. (Copyright.gov.in) As the digital music industry continues to grow with the advent of digital music platforms and streaming services, the situation is creating unprecedented opportunities and challenges for the artists.

However, the situation is marred by the problems of copyright violation and the use of pirated content. Research into the field of digital rights management indicates the weaknesses in the content management systems of certain music streaming services, which may impact the revenue streams of the artists. Moreover, the copyright issues faced by some of the renowned composers and music producers also reflect the conflict between the need for artistic creativity and copyright violation. For example, a recent copyright violation case filed at the Delhi High Court by the renowned composer A.R. Rahman reflects the level of complexity associated with copyright violation cases.

Film Industry: Cinematograph Films and Copyright Enforcement

India's film industry, popularly referred to as "Bollywood" in addition to other major film-producing states in India, ranks among the biggest filmmaking industries in the world. Copyrights for films have been granted to films as an entirety, comprising scripts, music, and pictures. This ensures that filmmakers, directors, and scriptwriters benefit from their creative pursuits. (Legal Service India)

Enforcement of Film Copyrights in India

Enforcement of copyrights for films in India has been on the rise. For example, in a case regarding the release of the 2012 film Karmayodha, the court granted substantial damages to a scriptwriter whose script was used without permission. This reiterates the importance of authorship in filmmaking. However, the issue of piracy remains a major challenge to the enforcement of copyrights in India. Piracy results in losses for filmmakers in the form of earnings for the release of films in theaters and online.

Apart from the imposition of penalties for copyright infringement, Indian courts have recognized principles of "fair dealing" in copyright infringement cases. This principle permits reproduction of copyrighted materials for criticism and research. The Kerala High Court recognized this principle in the case of Civic Chandran v. Ammini Amma, with certain conditions. (Wikipedia)

Literature and Publishing: Protecting the Written Word

Copyright protection for literary works is a cornerstone of India's IPR regime. Authors of books, essays, and other written forms gain exclusive rights upon creation. Copyright protects not

only published works but also unpublished manuscripts, which is crucial for securing rights at the earliest stages of creation. (Legal Service India)

Literature faces unique challenges, especially in balancing access to knowledge with protection. Copyright ensures that writers are compensated for their intellectual output, fostering continued literary production. However, unauthorised reproductions, including pirated editions and digital copies, erode potential earnings and dilute the incentive to produce original literature. Studies indicate significant gaps in enforcement, with pirated literary content accessible through informal networks and digital repositories, weakening the protection infrastructure.

Soft-Skills Content: A New Frontier in Copyright

Soft skills content, which includes training programmes, motivational lectures, educational videos, and workshop content, is an emergent form of creative expression that is increasingly interacting with copyright law. While soft skills content does not have the traditional artistic expression of a music video or film, it is nonetheless a form of original expression that is capable of being fixed in a tangible medium of expression, such as a video, a written manual, or audio, and is therefore protectable under copyright law. (Cell-for-IPR-Promotion-and-Management)

The significance of copyright in soft skills content is of utmost importance to educators and training experts who put in their mental efforts to develop comprehensive content. As in other creative fields, copyright provides exclusive rights to reproduce and distribute such works. However, the problem is more complex in this domain due to the prevalence of such content sharing through various social media sites and online learning platforms, which often involve unauthorized reproduction and adaptation of content.

Moreover, the creation of AI-based educational content is giving rise to a new debate about whether AI-based works should be granted copyrights. In this context, the Indian Copyright Act provides that the creator of a work is the person who caused the creation of the work.

Piracy, Enforcement, and Digital Challenges

Piracy has continued to be one of the biggest challenges facing copyright protection in the creative industries of India. In spite of the legal provisions, the unauthorized reproduction and distribution of creative content such as films, music, books, and other creative materials have continued to flourish, especially online. Studies have shown that the enforcement mechanisms are sluggish, and civil actions are not keeping pace with the speed of online dissemination.

However, the other side of the argument claims that enforcement of the provisions also requires the development of appropriate administrative and technological mechanisms for the

detection and prevention of infringement, so that the damage is minimized. Digital Rights Management and Content Identification can be considered the technological saviors, but the availability of such mechanisms varies from one technology to another.

Balancing Public Access and Protection: Fair Use and Public Domain

Indian copyright law has incorporated provisions that allow for fair use, or “fair dealing,” which allows for limited copies to be made for purposes of research, criticism, and education, among other areas. This balancing act is critical in promoting public access to knowledge while protecting creators' rights.

Moreover, the works eventually fall into the public domain after the expiration of the copyright period, allowing for the preservation of culture while promoting free access to the material. In 2026, many literary and cinematic works fell into the public domain in India, a testament to the progression of public domain material.

International Dimensions of Copyright Protection

In the globalised creative economy, Indian creators increasingly look for protection beyond national borders. The Berne Convention and the TRIPS Agreement have forced India to adhere to international norms of copyright protection. This ensures the protection of Indian works in other countries. (E-Adhyayan)

New international issues in copyright laws relate to the international nature of digital technologies. Indian creators have to deal with the complex international system of global licensing and rights in the digital environment.

Conclusion

The role of copyright in fostering and protecting the creative sector in India is of paramount importance and encompasses music, films, literature, and the newly emerging genre of soft skills. The Copyright Act of 1957 has provided a robust framework to protect the rights of authors and creators. However, the effectiveness of copyright protection is marred by the challenges of piracy and technological upsets.

In order to ensure the effectiveness of the copyright regime to foster creativity and address the interests of the common man, a multi-dimensional strategy has to be adopted. This includes robust legal frameworks and technological protection such as DRM protection. Furthermore, awareness levels have to be heightened among creators and consumers. A multi-dimensional policy response is also required to tackle newer challenges such as AI-generated content and internationalization of content. This will ensure the continued strength of the Indian creative

economy and the underlying copyright regime that has provided the incentives to create the rich cultural landscape.

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