



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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SCRIPTS TO STARS: INDIA’S ENTERTAINMENT GUARDED BY IP

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Introduction

India’s booming media and entertainment industry, churning out countless movies in regional languages, faces a crucial challenge: protecting intellectual property rights (IPR). From scripts and music to film titles and character designs, safeguarding these intangible assets through copyright, trademarks, and other legal frameworks is vital for creators and the multi-million dollar industry itself. However, violations like piracy pose a significant threat, leading to legal issues and undermining the value of creative work.

Copyright

In India, copyright protects artistic and literary creations without mandatory registration. However, copyright infringement requires a substantial, not superficial, copying of the work. This case involved Yash Raj Films suing Sri Sai Ganesh Productions for copying their film “Band Baja Baarat” in the Telugu remake “Jabardasth.” The court ruled that copyright protects both individual elements (script, songs) and the entire film as a whole. Even though physical copies weren’t made, substantial similarities in scenes and plot points constituted infringement. This case clarifies that copyright in films goes beyond just physical copies and protects the overall creative expression.

Trademarks in Indian Cinema: Protecting the Legacy of “Sholay”

Trademarks play a crucial role in branding and protecting the identity of film titles in India. They distinguish movies from competitors and ensure recognition among audiences. This case sheds light on the legal battle surrounding the iconic film “Sholay” and its trademark.

The plaintiffs, creators of “Sholay,” sued the defendants for using the film’s title for a website, magazine, and merchandise. The defendants argued that “Sholay” was a common Hindi word, but the court recognized its unique association with the film. The title had transcended its dictionary meaning, becoming synonymous with the movie itself.

This landmark judgment highlights several key points:

1. Trademark protection: Even film titles can be trademarked, especially when they gain significant recognition and association with the specific movie.
2. Brand identity: Trademarks are crucial for establishing and protecting a film’s distinct identity in the market.
3. Public perception: The court considered how audiences perceive the word “Sholay,” recognizing its strong connection to the film.
4. Scope of protection: The protection extends beyond just the title itself, encompassing related visuals and creative elements like character names and scenes.

Patents: Protecting Innovation in the Land of Lights, Action, and Imagination

In the world of cinema, where creativity meets technology, patents play a crucial role in safeguarding the magic behind the scenes. Think of a patent as a shield, protecting inventors from unauthorized use of their innovative ideas for 20 years. In the Indian film industry, this shield guards technological advancements that enhance the production and distribution of movies, ultimately enriching the audience experience.

From the dawn of cinema, innovation has danced alongside storytelling. Early filmmakers experimented with sound, visuals, and editing techniques to captivate audiences. Today, patents fuel this ongoing evolution, protecting groundbreaking technologies in every stage of film production. Editing software used to craft seamless narratives, special effects that bring fantastical worlds to life, even the intricate sound design that evokes emotions – all can be safeguarded by patents

Investing in quality film production requires significant resources. Imagine the meticulous work that goes into editing, special effects, sound design, lighting, and other crucial aspects. Patents incentivize such investments by ensuring inventors reap the rewards of their ingenuity. Without this protection, others could freely copy these innovations, jeopardizing the financial viability of film projects and hindering future advancements.

Therefore, understanding patents is critical for the Indian film industry's continued success. They foster a healthy environment where creators can confidently invest in technological innovation, knowing their ideas are protected. This, in turn, leads to better films, enriched experiences for audiences, and a thriving cinematic landscape that pushes the boundaries of storytelling through the power of technology.

Celebrity Rights in India: A Balancing Act

Defining Celebrity Rights: Celebrities, defined by public perception and influence, possess inherent rights, including:

Right to Publicity: Control over commercial use of their identity.

Right to Privacy: Protection from unauthorized public representation.

Landmark Case: Titan Industries vs. M/s. Ramkumar Jewellers established:

Using a celebrity's image for commercial gain without consent infringes on their Right to Publicity.

Identifiability and false endorsement constitute infringement.

John Doe Order: A first in India, it protects against unknown violators, aiding celebrities in asserting their rights.

Legal Gaps:

No exclusive right to control public performances or broadcasts.

No moral rights or protection against "substantial likeness" infringements.

Call to Action:

Legislation needed to recognize commercial aspects of celebrity rights and address legal gaps.

Conclusion

The Indian entertainment industry thrives on creativity and originality, making intellectual property rights (IPR) crucial for its health. Landmark court cases highlight the need for industry members to

Safeguard content: Understanding and protecting copyrights, trademarks, and other forms of IPR is vital.

Stay informed: Continuously update knowledge on evolving IPR rules and address legal loopholes.

Combat violations: Recognize and address various infringement methods and their consequences.

The rise of OTT platforms and constant innovation further amplifies the need for deep engagement with IPR. Only then can the industry flourish and protect its creative spark.