



CAMPUS LAW CENTRE

Report of the Round Table Discussion on 'Copyright Law with Special Reference to Educational Institutions'

The Round Table Discussion on 'Copyright Law with Special Reference to Educational Institutions' was organized by Campus Law Centre (CLC), University of Delhi in collaboration with Cell for IPR Promotion and Management (CIPAM), Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India to commemorate the occasion of World Intellectual Property Day on April 27, 2017. The programme aimed at providing a platform for discussion, deliberation and debate on various aspects of copyright law relating to educational institutions. It also attempted to contribute towards the goals of the National IPR Policy 2016 which aims to create awareness amongst school and college students regarding various aspects of IPR. The programme brought together on the same platform, voices from various walks of life and included people from academia, industry, law practice, policy makers and students. The event witnessed participation from students, scholars, advocates and teachers who came from places like Guwahati, Chennai, Ranchi, Pune, Jaipur, Jodhpur, Neemrana, Lucknow and Allahabad, besides participants from various institutions located across Delhi-NCR.



The programme began with the Welcome Address delivered by Prof. (Dr.) Usha Tandon, Hon'ble Professor-in-Charge, CLC who also acted as the Chair for the Round Table Discussion. This was followed by a round of introduction of all the distinguished panelists by Ms. Isha Wadhwa, Assistant Professor, CLC who acted as Master of Ceremonies for this event.

The first speaker was Prof. (Dr.) Nuzhat Parveen Khan, Dean, Faculty of Law, Jamia Millia Islamia, who gave a brief introduction about Intellectual Property laws to the audience. She described the process of evolution of copyright law and the necessity and challenges of having them. Prof. Khan emphasized upon the concept of 'Fair use' under copyright law and gave a comparative analysis of this concept in India and other jurisdictions like USA, UK, Canada and Australia. Prof. Khan also spoke about the dynamics of copyright law vis-à-vis changes in areas like Information Technology.



Prof. T.C. James, Former President, National Intellectual Property Organization (NIPO) and Visiting Fellow, Research and Information System for Developing Countries, presented his take on the topic in the light of the basic 'Right of Access to Knowledge'. He drew the attention of the House to the culture of libraries and explained how libraries across the world had evolved over a period

of time and how they were impacted by restrictions in copyright law and how they could also benefit by the same laws. He drew attention towards the ambiguities that were present in the Copyright Act, 1957 with respect to the concept of 'Public Libraries' and inconsistencies of this definition vis-à-vis several state laws, especially the Manipur state law. Prof. James also discussed in detail, the role of copyright law with respect to digital libraries and the need for archiving of journals and 'preservation' and digitization of literary material. He also suggested that discrimination between different kinds of libraries as defined under the Copyright Act for the purpose of furtherance of the interest of 'Right to Access of Knowledge', should be removed.

Dr. Zakir Thomas IRS, Additional Director General of Income Tax, Central Board of Direct Taxes, Ministry of Finance and Former Registrar of Copyright Government of India, was the next speaker. He presented an extensive analysis of Copyright law, and gave the audience certain perspectives that are the sole purview of regulators and policy makers. He traced in detail, the evolution of this branch of law under common law before proceeding to discuss various emerging trends with regards to extending the protection of



'rights of authors' in various jurisdictions. Dr. Thomas explained these concepts in the light of scientific innovations and technological advancements with the help of relevant case law.



Dr. Raman Mittal, Associate Professor, CLC and Deputy Dean (Legal), University of Delhi, gave an educative session to the delegates and students in understanding the scope of the Copyright Act. Dr. Mittal through his Power Point presentation and illustrative diagrams, explained in a lucid manner, the balance that Copyright Act aims to bring about between the 'Right to Knowledge' and the 'Right of Ownership'. Dr. Mittal had provided valuable insights to the court through the Legal Cell of the

University of Delhi while the Rameshwari case was being heard. Some of his arguments also found their way into the judgment of the Division Bench and he shared with the audience, these valuable thoughts. He also endeavoured to explain as to how IPR statutes are not limited in scope, but extend to areas like human rights, development, food security, public health, culture, economics and various other areas. In the light of Article 27 of United Nations Declaration of Human Rights (UDHR), Dr. Mittal called IPR a 'tug of war' wherein the rope was not a two-dimensional one but multidimensional in nature.

The address of Mr. Pravin Anand, Managing Partner, Anand and Anand Law Offices, address was extremely well-received by the audience when he presented his views on the necessity of protection of authors' and publishers' rights in relation to copyright over their works. Having represented the publishers in the DU Photocopy case, he provided to the audience, a picture of the other side of the debate. Mr. Anand asserted his belief that the balance between the 'Right to Knowledge' and the 'Right of Authors' to protect their work should not be looked at from the outside, but that it was very much present within the statute itself. He also enlightened the participants about the practice of responsibly taking up copyrighted material and how IPR protection is genuinely necessary in order to ensure quality in research, academics, public health, etc.



Dr. Rekha Chaturvedi, MHRD IPR Chair Professor, Cluster Innovation Centre, University of Delhi, spoke about the necessity of understanding and imbibing ethical practices in teaching, education and research. Dr. Chaturvedi stressed upon the responsibility of academicians to ensure ethical research and the need to actively discourage plagiarism at all levels.

Mr. Shhaurya Sah, Head of IPR Division, Alba Law Offices, provided a detailed understanding of the various concepts and case law in the area of copyright law. During the course of his presentation, he discussed the two schools of thought that are active in the area of IPR - one that supports protection & ownership, and the other which is a votary of free dissemination of knowledge, especially for educational and instructional purposes. Mr. Sah also explained in a very articulate manner, the all-important four-factor test to determine 'Fair Use' in the light of various decided cases.



Once all the Panelists had spoken, the deliberations were summarized by the Discussant, Dr. Raman Mittal and thereafter, the floor was thrown open to the audience for questions.





Hon'ble Mr. Justice Rajiv Sahai Endlaw, Judge, High Court of Delhi, who is the author of several landmark judgments in the area of intellectual property law, graced the occasion as the Chief Guest for the Valedictory of the event. The Hon'ble Chief Guest shared his experiences with the audience and was immediately able to connect with them as he traced his journey from being a student at CLC to being a Judge at the High Court of Delhi. His Lordship enlightened the audience on the

multi-dimensional aspects in the field of copyright law, and gave them an exclusive insight into the mind of the author of the judgment of the very famous and revolutionary DU Photocopy case. Justice Endlaw emphasized on the need to maintain a balanced approach between the necessity to protect the rights of the authors in order to incentivize creativity and the need to respect the exception provided under Sec 52(1)(i) of the statute which deals with the dissemination of knowledge. He emphasized that the judgment was largely based upon the language of the statute and not upon any consideration of 'public interest', as has been often understood. The address by Hon'ble Justice Endlaw was extremely enlightening and intellectually stimulating.

The Vote of Thanks was delivered by Mr. Parikshet Sirohi, Teacher-Convenor for this event. Mr. Sirohi spoke about his experience of organizing an event of this magnitude within a short span of time and extended his sincere gratitude to the student volunteers and delegates who contributed towards making this event hugely successful. He made a special mention of the Student-Convenors Deepak Joshi, Khalid Armaan Khan, Shakti Garg, Aditi Arbat and Pooja Yadav, as also the President of the CLC Students' Union, Achint Kumar. This was followed by High Tea and distribution of certificates.



-Shakti Garg, Rapporteur