

Software copyright content: Library law and facilitation

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Abstract

Copyright is a type licensed innovation that concedes the make of a unique imaginative work a selective legitimate appropriate to decide if and under what conditions this unique work might be replication and utilized by other normally for a restricted term of years.

The Act, with five amendments, in 1983 1984, 1992, 1999 and a substantial one in 1994, adheres. To the treaties of the Berne Convention, the Universal Copyright Convention, the rome convention and the agreement on trade-related aspects eg intellectual property rights (TRIPS) agreement the copyright infringement of software refers to several practices when does without the permission of the copyright holder such as, Creating a copy and / or selling in creating a copy and giving it to someone else, renting the original software commercial use of Non- commercial software counterfeiting, Soft lifting, Creating a copy to serve as a backup.

The copyright law requires the deposit of three complete copies of works whether published or unpublished. Police has power to Seize infringing copies is giving by the copyright act Section -64. As per copyright act Knowing use of infringing copy of Computer programme to be an offence (Section-63 B). Any person who knowingly makes use on a computer of an infringing copy of a computer programme shall be punishable.

Keywords: Intellectual property right, Computer programme

The Idea behind the Intellectual Property Right approach is to give incentive for Productive activities if we look at India's economic success and important The prospect over the next 20 years, the Bulk of it is going to come from Intellectual

Property in software, life sciences, Entertainment and Bollywood or Engineering Design, so it is in India's self-interest to make sure there is a good regime around Intellectual Property Right (IPR). The TRIP Agreement of the WTO recognizes Seven type of Intellectual Property Right (IPR) as Copyright and related right; Trade Mark and service Marks; Geographical Indication; Industrial Designs, Patent, Layout Designs of Integrated Circuits and Undisclosed Information.

NASSCOM (National Association of Software and Service Companies) reported in 2006 that Software Piracy Level in India is 73% while worldwide average is 36%. This means a large number of PCs running on pirated software in India. War on Software piracy Remains a Challenge, Deposit Several Measures. Pirated Software hurts everyone, from software developers to retail store owners and ultimately to all software users. Furthermore, the illegal duplication and distribution of software has a significant impact on the economy. Copyright is also accompanied with distribution of software has a significant impact on the economy. Copyright is also accompanied with other related rights going beyond reproduction of the work, these rights are known as neighboring Rights. The bundle of rights that constitutes copyright has kinds of rights.¹ The economic rights that take care of the author, and² The moral rights, that is, the right concern the status, respect and dignity of the author.

This is a strong reason to discuss, analyze and take strong step towards maintaining of Software copyrights. The Copyrights Act. 1957 governs copyrights law in India. The Copyrights Act was based on the Copyrights Act of 1911,

frames by the British during the Colonial rule and also borrowed extensively from the 1956 Copyright Act of the United Kingdom.

The Act, with five amendments, in 1983 1984, 1992, 1999 and a substantial one in 1994, adheres to the treaties of the Berne Convention, the Universal Copyright Convention, the Rome Convention and the Agreement on Trade-Related Aspects eg Intellectual Property Rights (TRIPS) agreement. As per the amendment made in 1999 computer software included in copyright act Software Included in copyright act. Software copyright is the relatively recent extension of copyright law of Machine-readable software. It is used by proprietary software companies to prevent the Unauthorized copying of the software. Now meaning of copyright as per section 14(b) of Copyright act amendment made in 1999 is as follows. The exclusive right subject to the provisions of this Act. to do or authorize The doing of may of the following acts in respect of a work or any substantial part thereof, namely in the case of a computer programme-

1. To reproduce the work in any material form including the storing of it any medium by Electronic means.
2. To issue copies of the work to the public not being copies already in circulation.
3. To perform the work to the public, or communicator to the public.
4. To make any Cinematography film or sound recording in respect of the work.
5. To make any translation of the work.
6. To make any adaptation of the work.
7. To do, in relation to in translation or an adaptation of the work, the acts specified in relation To the work in sub-clauses (i) to (vi)
8. To sell or give on commercial rental or offer of sale or for commercial rental any copy of the Computer programme.

In software world copyright is being maintained with a software license agreement, which is a memorandum of contract between a producer and a user of computer software, which grants the user a software license. Most often, a software license agreement indicates the terms under which an end-user may utilize the licensed software, the agreement is called an end-user license agreement or EULA. The copyright infringement of software refers to several practices when done without the Permission of the copyright holder such as, Creating a copy and / or selling in creating a Copy and giving it to someone else, renting the original software Commercial use of Non- commercial Software Counterfeiting, Soft lifting, Creating a copy to serve as a backup.

There are some Fair Dealing and other promoted acts which are excluded from copyright Infringement of software are Fair Dealing for-commercial research or private study, Fair Dealing for criticism or review, Fair reporting current events copying for the purpose of Instruction and Copying for the purpose of examination in an authorized education Establishment.

The Copyright Law requires the deposit of three complete copies of works whether Published or unpublished. For work in machine readable form only, identifying portions" rather than complete works may be deposited. In the case of computer programs, it is helpful (or usual) to deposit the first and last few pages (say first 25 pages and the last 25 pages) of source code the page containing the copyright notice, if include However, depositing the entire work has its own advantage and should be considered. If the revision takes place throughout the program then the first and last 25 pages of source code plus the page containing the copyright notice is adequate for deposit. If the page containing the copyright notices is adequate for deposit. If the revision does not take place throughout the program. Then any 50 pages representative of revised material may be deposited.

Copyright regards computer programs literary works, which can be registered using Form IV-Application for registration of copyright, statement of particulars and Statement of Further Particulars. A copy of these of these is available at the Copyright office. A sum of Rs. 10 per Work is to be remitted for registration of copyright. The fees may be paid to the Registrar of Copyright, New Delhi by a postal order or bank draft or by into deposit into a Government Treasury or branch of the Reserve Bank of India or the state bank of India.

Copyright subsists in all original published or unpublished literary works; literary work' Includes computer programme tables and compilation including computer databases in any tangible form. You would therefore, have to do nothing but to record the program on some tangible medium to get copyright protection. Copyright protection, is automatic from the moment the work is embodied in some medium like ROM, Magnetic Tape, diskette or paper. As per amendment made in Year 1999-For individual authors copyright lasts for the sixty years.

As per copyright act Knowing use of infringing copy of

Computer programme to be an offence (Section-63 B). Any person who Knowingly makes use on a computer of an infringing copy of a computer programme shall be punishable with Imprisonment for a term which shall not be less than seven days but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extended to two lac rupees.

Police has power to Seize infringing copies is giving by the copyright act Section -64. Any police officer, not below the rank of a sub-inspector, may, if he is satisfied that an Offence under section 63 in respect of the infringement of copyright in any work has been, Is being, or is likes to be, committed, seize without warrant, all copies of the work, and all plates used for the purpose of making infringing copies of the work, be produced before a Magistrate.

Three step to prevent the copyright infringement of Software

First step is Education to policy-makers and government with politicians; the judiciary and training of law enforcement agencies. Broad education to consumers about the consequence of piracy may prevent piracy up to some extent. The related advertisement also draws the attention of computer users to the necessity of software licensing. Second step is Engineering i.e. to prevent piracy technical must be added to the software to ensure software copyright. For example Reduced Educed Functionality Mode and copy protecting of software for the unauthorized user may decrease software infringement up to some extent. The decision to "buy-or-build" a software licensing system can make a substantial difference to the profitability of any published software title. Software industry invent and provides a wide variety of reliable tools for protection against home coping, emulation and professional cracking.

Third step is Enforcement of software copyright law Regular revision of problem for new amendment in the existing law of Government of India and enforcement of software copyright can control software piracy. Other then government some other bodies like FICCI, NASSCOM and others try, essentially, to channel the law for software copyright. Software Industries itself maximize their revenues with a powerful software license enforcement System.

For more details regarding rules and regulation of government of India act we may visit The government site at any time on <http://www.copyright.gov.in>

Conflict of Interest: None.

References

1. Definition of Copyright Oxford Dictionaries.
2. Intellectual Property Law.1983,1994
3. <http://www.Copyright.gov.in>

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