

Key points of Distinction: The Copyright & Copyleft Conviction



Wednesday Wisdom
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COPYRIGHT

COPYLEFT

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CONCEPT[1]

Copyright is a form of intellectual property rights and includes a collection of exclusive rights granted to the owner of works under section 14 of the Copyrights Act 1957 (Act). These rights include the ability to adapt, reproduce, publish, translate, and communicate with the public etc. As the name suggests, copyright simply means that if you create something (generally known as work), you own it and only you get to decide what happens next with it.

1

The term copyleft is not defined under the statute. It is a concept which is directly opposite to copyright and based on principle of freedom. Copyleft is a specific kind of license that allows free use of works or copyrighted material, under certain terms and conditions granted by the owner of such work. Copyleft is a licensing approach used in open-source software ensuring that the software and its derivatives remain open and freely available.

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OBJECTIVE

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The main objective of copyright law is to assure the right of original expression to the owner of creative work who invests time, efforts and capital for such creation. It is significant to note that under copyright law, it is not the mere idea, but the expression of such idea that is protected. For e.g., a novelist retains exclusive rights over their book through copyright, enabling them to make decisions regarding its publication, adaptations, and translations.

The main objective of a copyleft license is to provide people with opportunities to use and modify an original work, and later grant the similar set of rights to all other interested people. The idea behind copyleft is like using the water without polluting the stream! For e.g., a copyleft approach allows multiple authors to collaboratively create and enhance an encyclopaedia like Wikipedia.

3

MONETARY CONSIDERATION

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Copyright focuses on granting exclusive rights to the creator or owner of a work, allowing them to seek financial compensation for the use and distribution of their copyrighted material.

While copyleft licenses permit commercial use, monetary consideration is not a priority under this concept. Copyleft requires that the source code and the freedoms associated with the license be preserved in subsequent uses and distributions.

COPYRIGHT

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FORM

Under section 13 of the Act, the various forms of works that can be protected include-

- Literary works – for e.g., books, computer program codes etc.
- Musical works- for e.g., songs, tunes etc.
- Artistic works – for e.g., paintings, photographs, cartoons like Tom and Jerry, drawings etc.
- Dramatic works – for e.g., screenplays, etc.
- Cinematograph films – for e.g., movies, video films etc.
- Sound recordings – for e.g., any recording of sounds, recording of songs by sound recorders etc.



COPYLEFT

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Generally recognized forms of copyleft licenses are-

- General Public License (GPL)- This is one of the most common and widely used copyleft license. It ensures that:
 - any derivative works or modifications of the original software must be licensed under the GPL as well;
 - the source code of the software remains open and freely available to users.

Example: VLC – a Media Player is a versatile multimedia player that supports various audio and video formats.

i. Strong Copyleft: This is a strict type of copyleft license. It requires that :

- any modifications or derivative works of the original software be distributed under the same copyleft license ;
- source code availability and distribution of both original software and modifications along with the source code.

Example: The Common Development and Distribution License (CDDL) is a strong copyleft license primarily used for open-source software related to the Java platform.

2. Weak Copyleft: This is a more permissive form of copyleft licensing. It may require modifications to be distributed under the same license but they do not necessarily impose the requirement on the entire project.

For e.g., The Common Public License (CPL) is a weak copyleft license designed for open-source software. The Eclipse IDE (based on CPL) is a popular open-source development environment used for various programming languages, primarily Java.



COPYRIGHT



COPYLEFT

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DURATION

The duration of copyright in India generally lasts for lifetime of the author plus a span of 60 years since the death of the author.

5

Duration of copyleft licenses can vary depending on specific version of license and terms of agreement. This "copyleft" provision creates a perpetual obligation for subsequent users to maintain the openness and freedom of the software.

6

LEGAL FRAMEWORK

Copyright is governed by specific laws and regulations in each country. For e.g., the Copyright Act 1957 in India. Copyright infringement cases are handled through legal systems and procedures mentioned under the relevant law are followed.

6

While copyleft licenses permit commercial use, monetary consideration is not a priority under this concept. Copyleft requires that the source code and the freedoms associated with the license be preserved in subsequent uses and distributions.

7

PERMISSIBLE USAGE

Permissible usage under copyright is limited to activities explicitly permitted under fair use or other exceptions recognized by copyright law, such as non-commercial use for educational or teaching purpose, criticism, commentary, seeking prior permissions, or payment of royalties.

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Permissible usage under copyleft is a comparatively broader aspect. Copyleft licenses have specific provisions that govern permissible usage. Permissible usage under copyleft allows users to access, modify, distribute, and build upon the original work, as long as they ensure that the resulting work is also freely available to others under the same license terms. For e.g., Dynamic Link Library (DLL) for linking open source code and copyrighted code so that open source code is distinct.

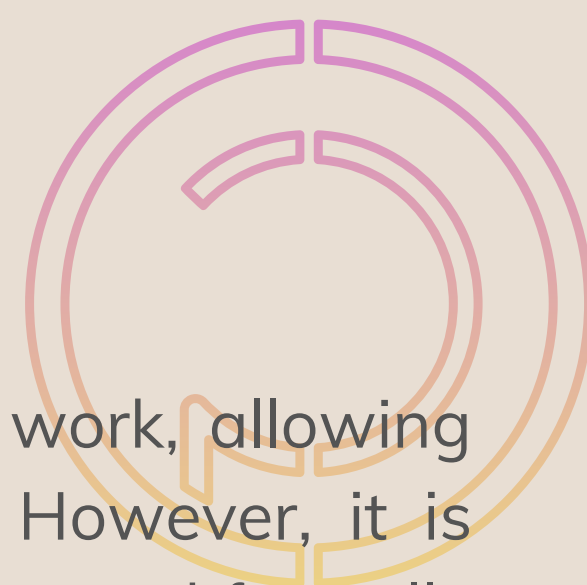
8

FORMALITIES

The protection of copyright is applicable automatically upon creation of an original work in a tangible form. For e.g., a poet receives automatic copyright protection for their poem upon writing it, without formal registration as such.

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The terms of copyleft licenses apply automatically upon distribution of the work, allowing others to use, modify, and distribute it under the same or similar terms. However, it is important for the author to ensure that the license terms are defined in writing and formally communicated to users.



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