

Javed Akhtar Is Fighting Not For Himself, But For Everyone

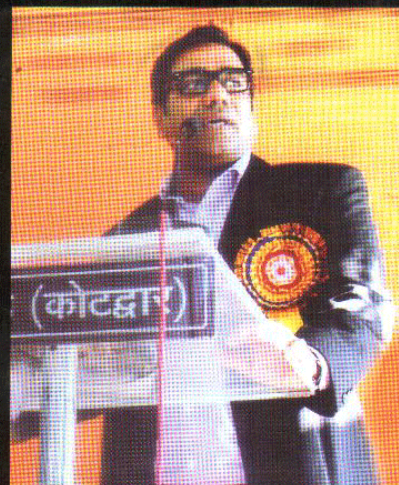
- Adv. Rakesh K. Singh

Young & dynamic Bombay High Court advocate Rakesh K. Singh besides fighting cases, leads an interesting & fruitful life. He is socially and politically a responsible citizen. Lately, concerning the Pak-Taliban tragedy, he cited the statement by Hillary Clinton, that 'if you keep a snake in your backyard don't expect that snake will bite only your neighbour'. One should not make such stupid mistakes that would harm you and others as well.

Bombay High Court's case of Russian Filmmaker Adrei, who was falsely implicated in the MMM (NGO) case and where finally advocate Rakesh got him released through bail and got his out of the case was recently a topic of discussion when Russian President visited India.

Advocate Rakesh K. Singh heads a legal/solicitors firm by the name of RKS ASSOCIATE which has offices, besides in Mumbai, at Delhi and California. The firm recently completed its 10 glorious years and have an enviable clientele ranging from corporates to politicians and Developers to film fraternity.

U.S. Chandel talked to Rakesh K. Singh about intellectual property law and in particular copyright to the extent it is applicable to musical work:



Here's brief interview

Will Javed Akhtar win the case of copyrights & royalty?

Javed Akhtar, Sonu Nigam & others fighting for this case of copyright and royalty for the benefit of everyone.

What is the necessity of Intellectual Property Laws related to Musical Work?

The Musical industry has become money making industry worth billions. However, a number of cases have come out in recent times where people have modified the original work of the author of the musical work to an extent and have claimed the work to be their own work. This act of theft or should I say blatant act of theft and proclamation and sale has not only deprived the original authors of the musical work of their dues but has also created a group of so called musical leaders whose survival is based on unholy nexus between them and other managers of musical industry.

Please give details of this law?

Musical tones and related stuff and music albums (musical work and sound recordings) are Protected under Section 13 of the Copyright Act, 1957.

Section 45 of the Act provides for the registration of the work for protection under the act.

Section 22 of the Act provides 60 years as the term of copyright in the musical works.

Section 55 of the Act provides for the civil remedies in case of infringement of copyright work. Under this section when copyright in any work has been infringed, the owner of the copyright shall be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for infringement of a right.

Section 57 of the Act provides for the Author's special right to copyright protection in case of any distortion, mutilation, modification, or any other act in the author's work, even after the assignment of the work either wholly or partially.

Section 63 of the Act provides that if any person knowingly infringes or abets the infringement of any copyrighted work, such person shall be punishable with imprisonment for a term which shall not be less than 6 months but which may extend to 3 years and with fine which shall not be less than 50,000 rupees but which may extend to 2 lac rupees.

Section 51 Copyright in a work is deemed to be infringed when any person, without a license granted by the owner of the copyright does anything which the exclusive right to do which is by the Act conferred upon the owner of the copyright. Where a person has a copyright in literary/musical work, and any person produces or reproduces the work any substantial part thereof in any material form, he is committing an infringement of copyright.

When and how is the copyright act applicable to the copy of original music?

It is not necessary that the alleged infringement should be an exact or verbatim copy of the original but its resemblance with the original in a large measure is sufficient to indicate that it is a copy.

The piracy in an alleged infringing work may be detected by making a careful examination of it to see whether any of the deviations and mistakes, which license permits, in the original has been reproduced into the alleged infringing copy.