

# **US STAMP CASE, YOUTUBE'S NEW COPYRIGHT TOOL, WIPO TREATIES WELCOMED BY BOLLYWOOD AND MORE**

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Bollywood Industry Welcomes Government move to Join WIPO Treaties, Stamp mistake costs US Postal Service \$3.5 million, YouTube launches Copyright Match Tool to check infringement, Merchandising Cloud Introduced by Tech giants.

## **COPYRIGHT QUOTE OF THE WEEK**

Copyright law has got to give up its obsession with 'the copy.' The law should not regulate 'copies' or 'modern reproductions' on their own. It should instead regulate uses—like public distributions of copies of copyrighted work—that connect directly to the economic incentive copyright law was intended to foster.”

– Lawrence Lessig

## **INDIAN COPYRIGHT STATISTICS**

There is an increase of 28.3% in the total number of copyright applications filed this week as compared to the applications filed last week. A total of 407 applications were filed for copyright registration during the last week. Most of the applications were filed for literary and artistic works. Applications for sound recordings decreased substantially from 55 to 16.

S.no	Types of Work	Number of Applications filed in the Recent Week (25th June- 30 <sup>th</sup> June, 2018)	Number of Applications filed in the Recent Week (1st July to 8th July, 2018)	Change	Percent Change
1.	Literary Work	158	237	79	50%
2.	Musical Work	3	7	4	13.33%
3.	Artistic Work	67	81	14	20.89%
4.	Cinematograph Film	1	13	12	120%
5.	Sound Recording	55	16	39	70.09%
6.	Software	33	53	20	60.6%
	Total	317	407	90	28.3%

## **INDIAN COPYRIGHT NEWS**

### **Bollywood Industry Welcomes Government move to Join WIPO Treaties**

Last week, the Indian government approved the proposal to become a part of the WIPO Copyright Treaty and WIPO Performers and Phonograms Treaty which extends coverage of copyright to the Internet and digital environment. These reforms in copyright law were appreciated by many famous personalities like Mr. Javed Akhtar, who gave full credit to the Department of Industrial Policy & Promotion (“DIPP”) and The Registrar Copyrights for ensuring that India truly mainstreams its copyright sector into the rapidly growing digital markets. He said this would benefit creators as the Berne Convention will find firm footing in the digital domain, and called it a positive decision in support of artists and the creative

sector. Also, the Composer and Director of Indian Performing Right Society (IPRS) Mr. Raju Singh said, "India is truly now a part of the worldwide market in relation to creative works. The decision of the Cabinet to become part of the internet Treaties is the one thing we need to signify the arrival of India's truly significant soft power signified by its creative industries. Congratulations to the Government!"

## **INTERNATIONAL COPYRIGHT NEWS UPDATE**

### **Stamp mistake costs US Postal Service \$3.5 million**

United States Postal Service (USPS)' mistake on a set of stamps has cost \$US3.5 million after it fabricated a replica of a Statue of Liberty image on billions of stamps. The suit was filed by the Las Vegas sculptor Robert Davidson against the US Postal Service five years ago for copyright infringement, seeking \$3,554,946.95 in compensation, plus interest. He argued that the stamps issued by the US Postal Service in year 2011 bore the likeness not of the original Statue of Liberty, but of the replica he produced for the New York Hotel and Casino on the Las Vegas Strip. The court noted that "Mr Davidson's artistic creation of the Las Vegas Lady Liberty is highly unique and attractive, which is what prompted the US Postal Service to select a photo of his work for the second ever Forever Stamp, over hundreds of other images." The Postal Service is liable to pay for copyright infringement of the image of the statue.

### **YouTube launches Copyright Match Tool to check infringement**

YouTube announced that it would make available to channels with more than 100,000 subscribers, a tool designed to control upload of unauthorised copies of works. YouTube would use this

this tool to scan currently uploaded videos to see if there are any matches with the video being uploaded. If a match is found, the original uploader would be able to contact the other creator or request YouTube to remove the re-uploaded content. For it to work, YouTube says it's important that the creator looking for matches is the first person to have uploaded the video. This feature is similar to the Content ID tool currently in use, and will soon be available for all creators who are part of the YouTube Partner Program.

## **MERCHANDISING AND LICENSING NEWS**

### **Merchandising Cloud Introduced by Tech giants**

The leading provider of cloud-based visual merchandising software for retail One Door, introduced store Explorer, a first merchandising search engine for retail Store. Store Explorer enables searches across Merchandising Cloud's consolidated location, fixture, product and promotional data, helping retailers ensure the right products and promotions are in the right place, on the right fixtures, in the right stores. Also, this will deliver quick results without any training, and enables the creation of powerful queries by merging previously 'siloed' data without the help of technical teams.

Store Explorer is part of the latest release of Merchandising Cloud, also includes enhanced planogram import capabilities, easier to use localization and segmentation, as well as an enhanced floorplan editor for maintaining store layouts.

## **COPYRIGHT TIP**

### **Take down notices before filing lawsuits**

Taking down infringing content/products from structured online platforms

and marketplaces is relatively easy and straight forward. Prior to initiating a lawsuit, which would be relatively very expensive, businesses (rights holder) may consider sending DMCA/ other notices to take down content. The process normally works well if the action is followed up in a timely manner.

## **Author: BIP's Copyright and Entertainment Law Attorneys**

Led by Sanjeeth Hegde, Senior Partner, the entertainment law attorneys at BIP are among the well-known lawyers in the field. They work with clients such as Yash Raj Films, Dharma Productions, Ananda Audio, Anushka Sharma, Sushant Singh, and Arka Media (Producer of Bahu Bali). BIP's entertainment law team helps clients protect, manage and effectively license and merchandise their creative works such as films, music, brands and other content, to maximize financial returns.

The weekly copyright and entertainment law news initiative is a part of their pro bono work, and is aimed at spreading entertainment law awareness. You are free to share the news with appropriate attribution and backlink to the source.

If you have any questions, you may write to BIP's Copyright and Entertainment Law Attorneys – [contact@bananaip.com](mailto:contact@bananaip.com)