

# COPYRIGHT LAW AND ISSUES OF DIGITIZATION PROCESS: IMPACT ON INDIVIDUAL RIGHTS

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## **ABSTRACT**

*Technology development has created new challenges for current copyright law. Since the law was developed primarily in print media mode, it gradually developed creative work, protective work that included painting, drawing, and sculpture, and later expanded to Beth b to photography and film. The development of digital data in society had to advance the basic concepts of ancient law and copyright. Technological copiers or recording devices have made digital data easier to access as Internet use increases, which allow the author to manipulate the free flow of information in society as soon as this digital publication is published on the Internet, the author loses all control. The author analyzed various aspects of the digitization and copyright issues of concern today.*

## **INTRODUCTION**

Digitization is the process of converting information into digital form. In this format, information is made up of individual units of data (called chunks) that can be processed individually (typically groups of several pieces called bytes). It is binary data that can be processed by computers and multiple computer devices (such as digital cameras and digital hearing aids). The term digital technology is used in a digital context to describe the use of digital resources to effectively search, analyze, generate, transmit, and use information. This includes the use of Web 2.0 tools, digital media tools, programming tools, and software applications. Digitizing information makes it easier to store, access, and distribute. For example, an original historical document can only be used by people visiting the physical location, but once the content of the document is digitized, it can be used by people around the world.

On the one hand, databases can be categorized according to content types such as bibliography, full text, numbers and images. A database is a collection of data that is structured and organized so that computers can easily find the information they need. The information collected can be in a variety of formats (electronic, print, graphic, audio, statistical, combination). There are physical (paper/printing) and electronic databases. The revised proposal of the European Commission to the Commission's Directive on Databases defines "electronic database" as: "Electronic database" is a collection of data or other materials that provide access to necessary materials as well as electronically organized, stored and stored. Database operations such as dictionaries, indexing systems for searching or displaying information; It does not apply to computer programs used to operate databases.

## **NEED FOR DIGITIZATION**

The digitization project was undertaken with the aim of creating an easily accessible online repository. There are many aspects of digitization, including:

- By accessing local, national and international resources upon request for a course, learning resource, or collection, the user opens a collection that is not always physically accessible, such as culturally vulnerable material, to determine the number of prospective students that the course or collector collects. It provides a wider public interface to users and organizational assets.
- Expanding services that use existing courses or resources in new or different ways, e-learning opportunities, and creating innovative content packages that meet the wishes of users.
- Improving the quality of digitization projects by sharing resources, adopting common standards, promoting best practices, sharing knowledge and experience, identifying financing opportunities that need to collaborate to succeed, and providing existing course information and resources that have already been digitized through federal search.
- Raise awareness of the various courses and resources available for education, promote marketing, and encourage the use of local and international Open Education Resources (OERs) for further learning.

## **PROTECTION OF DIGITAL COPYRIGHT WORK**

The digital threat to copyright work is too different from the normal physical world. All of these methods are included in the Digital Rights Management (DRM) section. Digital rights management is a systematic approach to protecting digital copyrights. Digital Rights Management, introduced in 1994 as a solution to all the problems of managing access and control of digital content, includes technologies developed to manage the copying, modification, distribution, and copying of original works. However, few people think that the DRM approach creates unnecessary barriers to the public, hinders the path of innovation and creativity, and prevents others from being inspired and inspired by other original works.

## **RIGHT OF REPRODUCTION**

Reproduction rights are in themselves basic copyrights. But even before the digital age, identifying was a problem. It wasn't until 1967 that the 1886 Bern Convention explicitly granted the right to reproduce. In the 1967 Stockholm edition, a new text of Article 9 (1) was added. Considering that the transfer of all protected jobs over the Internet includes copies temporarily stored in the RAM of the connected computer, the question is whether the copyright holder temporarily controls all copies. The decentralized and decentralized nature of the Internet is becoming more and more relevant. However, the 1996 WIPO Performance and Records Agreement contained two provisions (Articles 7 and 11) regarding the protection of reproduction rights carried out by artists and phonograph producers. According to WPPT, artists and phonograph producers "reserve the exclusive right to

directly or indirectly reproduce the protected object in any form in any qualifying part to protect the right to reproduce in the environment".

## **RIGHT OF COMMUNICATION TO THE PUBLIC**

The advent of digital technology blurs the lines between the different categories of copyright and the way we communicate with the public. On the other hand, with the rapid development of digital technology, computer networks, especially the Internet, allow you to transfer tasks and interact point-to-point as needed. The interactivity and personality provided by this new way of using works allows the public to decide where and when they choose to access and use their digital works. Against this backdrop, the public is being offered a new kind of uniform and technically neutral rights to replace these fragmented technology-dependent rights.

## **IMPACT OF DIGITISATION ON THE FORMAT OF WORKS**

In the analog world, works were created and distributed in specific forms, such as books or drawings. These works were sensitive to human emotions. Copyright laws protect the copyright of works contained in concrete. Only technicians, such as computers, can read or understand works in digital form, but they can easily be transferred from one place to another without restrictions. It can also be easily converted into stimuli perceived by the human eye, ear, and mind. In the digitization process, any existing analog work can be converted into a digital data object. Therefore, the work is now available only in analog and digital format or digital format. Some digitally created works, such as newsletters and original databases, are published digitally only over networks such as the Internet and are not converted into the traditional concrete forms of the analog world.

## **IMPACT OF DIGITIZATION ON THE DISTRIBUTION OF WORKS**

Digital technology has changed the way work is distributed. Even if an analog work is published in physical form and then distributed by air, land, sea, or microwave broadcast, the digital work can still be delivered by digital transmission. Digital transformation began with professional news and data services, followed by commercial online services. Digital sending involves sending work to an individual. Works can be sent from one person to another, from a person to a selected group, or from a person to public. Appliances and personal networks allow users to send and receive work from home and move work between multiple devices in the home. Tasks are available on the server to make them accessible or available per user time. In addition to offering vacancies, service providers can be passive contributors. Users are active participants who open, use, or copy certain tasks. In addition, users can also act as additional publishers of tasks, resulting in unauthorized publishers. Compression (reduced digital file size) reduces file download times, making them more realistic and widely distributed. Copying copyrighted works in the analog world is allowed only in certain circumstances. However, digital transfers are marked as temporary copying and use. Interactive services often involve uses of works in which -

- (a) no copy is delivered at all;
- (b) only a temporary copy is made in computer memory;
- (c) the only copy made exists on the hard drive of a computer; or
- (d) only part of a work is used, for a limited time.

For example, users with Internet copyright databases typically only search for certain types of material that can be copied to their computer for later use, or available until the user logs out of the database. Similarly, you can access computer programs on the Internet by loading only into your computer's RAM. Not only consumers, but also creators benefit from digital delivery services. Due to its high digital transfer rate, it can be used very quickly to transfer works to general users or individual users. For example, it offers visual and performing arts artists the opportunity to host online exhibitions. And musicians not signed by a record company can bypass traditional distribution channels by posting copies of their recordings on the Internet for sale or free distribution. Users can now access a large number of creations from anywhere, anywhere, on a variety of devices, for free. An example of the advantage is that while more software and music are available on the Internet, real copies are being made in traditional stores.

### **IMPACT OF DIGITIZATION ON THE RIGHTS OF AUTHORS**

Digitization is not only a new way of creating works, but also disseminating works widely and effectively through digital transmission. The computing, broadcast, cable, satellite and communications industries have the potential for innovation and technological growth. And for almost all members of society, digital transmission provides works, information and services on the Internet in a format that is far more useful than the previous analog format. Despite these many benefits of digitization, time has proven to be a double-edged sword. Time has not only led to new and exciting ways to create and use works, but it also provided new ways to violate the rights of authors. Digitization threatens authors' economic and moral rights and security.

### **IMPACT OF DIGITIZATION ON AUTHOR'S ECONOMIC RIGHTS**

Digitization itself always involves the reproduction of the work. Conversion of a work into a digital-only format may be considered copyright infringement if it is done without the consent of the author. The copyright market is also heavily influenced by the availability of unauthorized copyright, ultimately threatening the author's income stream. This can negatively impact your decision to create, invest, and distribute your work. Copies of the work can be easily distributed or made public through digital transmission systems such as the Internet. Web publishing provides work to potential clients as well as potential pirates. The danger is that there is a risk of interfering with the publication of her work, such as preventing the author from reaching her intended destination. Perhaps the biggest threat is that authors may lose control of the distribution of their work through Internet publishing.

## **IMPACT OF DIGITIZATION ON AUTHOR'S MORAL RIGHTS**

Digital works are easy to manipulate due to the reliability of the work produced or converted to digital format. When converting from analog to digital, you can remove or change the author's name. Creating digital works or converting analog works to digital can also violate the privacy rights of the authors. Authors may find it difficult to exercise their moral rights to object to the insulting treatment of their work, which we believe is detrimental to their own honor or reputation if copies are distributed on the Internet.

## **DIGITIZATION ISSUES IN CYBERSPACE**

The copyright issue in cyberspace is becoming more and more important because it is digital media, and as this digital technology separates information at the physical level, the copyright issue in cyberspace becomes more and more important. This technology is also known as ITC, which means information and communication technology. As users move from paper to computer, more and more books are being digitized using computers, where one-click storage and retrieval is possible. Large amounts of data can be stored in digital files that can be transferred anywhere without exchange, which is possible through the use of an increasingly popular external memory card/device.

## **PIRACY & CONFIDENTIALITY**

Piracy, piracy, and counterfeiting are terms frequently used to describe copyright infringement activities, including the unauthorized creation and/or distribution of protected material. Confidentiality refers to the activity of making unauthorized copies ("piracy") of protected material and processing such copies through distribution and sale. Piracy can be made into a legitimate or other pirated copy. Misconduct may result from photocopying, possession of license plates for unauthorized copying, distribution or import of counterfeit copies, or sale of copies. The rights of authors, artists, phonographs and filmmakers in relation to the production and legal copying of materials may be violated by their practice. 'Bootlegging' is a term used to refer to the practice of making an unauthorized recording of a live performance, often sitting in the audience and operating a tape recorder. 'Counterfeiting' copies are those which are made to resemble the genuine copy, by copying the label or packaging, as well as the recording itself. Nevertheless, pirate and bootleg recordings may be marketed under different marks, or even no marks at all, counterfeiting will involve infringement of the rights of the authors, performers and producers concerned, and may also infringe trademark and other rights.

## **CHALLENGES FOR CARRYING OUT DIGITIZATION PROJECTS**

The first digitization project was carried out with the aim of creating an online repository for work in various fields. However, some organizations have decided to digitize all their work so that they can be stored in their collections, while others have formed committees. Now we are very reliant on funding and collaboration opportunities. The business partnership

agreement raised the question of whether the relevant organization should accept the standard terms provided by its commercial partners, or instead accept individual terms. In the case of the Bodleian Oxford Library, we have partnered with Google to digitize the collection after expressly approving the terms set forth therein. These organizations also agreed on the need to adopt a more strategic strategy to digitize and use cultural content on the Internet.

## **ENFORCEMENT OF RIGHTS**

Copyright applies locally and international agreements are based on this premise. Despite the existence of international agreements, there are significant differences in national law, operational policies and cultural attitudes towards intellectual property. Also, the basic legal concepts may be interpreted differently from country to country. Therefore, the author faces the question of identifying a crime and how to preserve his rights after the crime. In this context, four main issues arise: identification of perpetrators, definition of jurisdiction, relevant legal decisions and the imposition of sentences on offenders. Article 5 (1) of the Berne Convention is based on the principle of treatment of the people. In accordance with this principle, all member states must grant foreign authors (nationals of other member states) the same rights as domestic authors. This does not address the question of what laws should be applied when seeking the protection of a state (or author) from a third country. Article 5 (2) of the Convention is the rule of law that applies the laws of the member states requiring protection. However, through a global online information network, data can be transmitted and accessed from servers in several countries.

## **JURISDICTIONAL ISSUES IN COPYRIGHT INFRINGEMENT**

In the case of copyright infringement on the Internet, the question arises as to which court should have jurisdiction over the crime in question. Jurisdiction is based on territorial principles, so when a person is in the state, he can exercise jurisdiction. In the event of misconduct over the Internet, there are jurisdictions where the server is located, the place of the person who issued the copyright infringement interest, each country in which the information is located, the country of the author who infringed the rights, and all possible places. If the. The European Court of Justice found in this case that only the court at the defendant's residence had jurisdiction. Indian copyright laws make it easy to define jurisdictions. According to Section 62(2) of the Copyright Act, claims for copyright infringement may be brought against the applicant's address or address.

## **DIGITISATION OF DIGITAL LIBRARIES**

A digital library is a repository that stores information collection and provides access to it. Archive is an archive for long-term storage of material. The manual search system for information and resources from existing libraries, unlike online library services, does not allow other library users of the same material. This is inefficient and time consuming, so you should take advantage of e-Libraries that can provide library services online. However,

creating a digital library or transitioning to a digital state presents many challenges. Digitization is time consuming and expensive. Research institutions, universities and technical schools in developing countries continue to lack journals and other technical or useful literature. Hence, students, academics, administrators, and others seeking information have limited access to innovative devices manufactured outside the area.

## **DIGITISATION IN ORPHAN WORKS**

In the framework of copyright law, the term "orphan work" refers to a work in which bona fide users are unable to identify or locate the copyright holder for whom the work is being applied for permission to use. For some works, the owner cannot be reasonably conclusively identified because the original ownership was transferred through an ambiguous, overly complex, or incomprehensible chain of ownership. Failure to identify the copyright holder gives potential users two options. In other words, you use the work without permission, or do not use it at all. The first risk brings legal action, while the second one reflects a forgotten situation due to the fact that a significant portion of the latest cultural heritage contained in the work is not digitally available.

## **DIGITISATION IN OVERLAP**

In areas where copyright law and design patent overlap, authors/inventors can apply copyright/patent management. Thus, copyright can be creative in decorative design as a work of art and may also be subject to design patents. Duplicate patents and copyrights are protected by section 3 of the Patent Act, which exempts the subject of copyright (e.g. city) from patent protection. Also, trademarks and copyrights can often overlap. For example, logos may be protected by Copyright and Trademark Act. Registration conflicts can arise because trademarks do not exclude copyrighted substances and copyright laws do not exclude trademark objects.

## **LEGAL FRAMEWORK ON DIGITISATION**

A significant achievement of the WIPO Copyright Agreement (WCTO) and the WIPO Performance and Records Agreement (WPPT) is the introduction of author and associated resident rights to provide public access to their work through networks such as the Internet. The treaty also protects the technical methods used by copyright holders to prevent unauthorized access to their work or for purposes of rights management systems. This treaty entered into force on March 6, 2002 against the WIPO Copyright Agreement and on May 20, 2002 against the WIPO Performance Agreement and Records.

## **CONCLUSION**

The Internet creates an unpleasant situation for copyright holders as consumers become mass distributors of other copyrighted materials, causing an imbalance between authors and

users. Thus, the advent of digital technology gives legislators the option to expand or change their "perceptions of old media" or to review the list of prohibited actions taking into account the details of the new environment in many aspects discussed below. The digital revolution is already being used in countries like the United States to convert books into electronic format. Text, music and images are converted into digital data that can be digitally transmitted worldwide at high speeds to anyone with an Internet connection. The basic copyright model states that some works are not copyrighted, categorizes them as property rights, and then gives the copyright holder certain rights under restrictions and exemptions. With the revolution of information technology and the advent of more digital works, it is important for copyright holders to rely on new mechanisms to effectively protect their work. Technical measures included new mechanisms, and laws came into force to further protect these technical measures. Steps should be taken to reduce copyright abuse to raise public awareness. Limitations of jurisdiction under international law are negligible. Copyright law must be formulated in the form of international treaties and conventions agreed by the state.

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