

When it comes to the entertainment industry – intellectual property rights, specifically copyrights and trademarks, come into play, and it's essential to understand why.

The entertainment industry in India is regarded as one of the largest in the world, producing approximately 1,500-2,000 films each year, in over 20 different languages. Every movie has a different story to tell, based on a unique screenplay and some exclusive songs – but is that always the case? If not, how can one ensure that their literary creation is unique? How can a filmmaker and a music composer make sure that their creations, (especially the super-hit ones, as the industry calls them) are not duplicated or reinvented, without following due processes? This is where intellectual property rights and entertainment industry come into the picture.

IPR And the Entertainment Industry

When it comes to the entertainment industry – [intellectual property rights](#), specifically copyrights and trademarks, come into play. Copyrights can be filed for lyrics, music, dialogues, and screenplay and so on. But it is important to understand where intellectual property rights in the entertainment industry come into play and where they do not.

Naming a film

A filmmaker has the right to register the name of the film before beginning the shooting, to prevent others from using the same title. But copyright and trademark laws are not applicable for naming a film. The reason for this is simple. A copyright is meant to incentivize creativity since there is a lot of effort involved in the creative process. To seek copyright protection, a work needs to have a certain amount of "authorship", like in case of song lyrics. In the case of movie titles, the authorship is of the "minimum amount", which is why it does not qualify for copyrights or trademark. This is why several films have the same title. For instance, there are two films each in India with titles such as '*Hera Pheri*' (1976 & 2000), '*Dilwale*' (1994 & 2015), '*Dostana*' (1980 & 2010) and '*Aankhen*' (1993 & 2002), among others. Interestingly, both the '*Dostana*' films were produced under the same 'Dharma Productions' banner.

Screenplay & Writing

The screenplay of the film is one of the most prominent things that is copyrightable within the realm of intellectual property rights in the entertainment industry. The story of the film and how it stands out amongst others can be gauged through the writing, screenplay, the film's detailed script which includes acting instructions as well as scene directions, locations, cinematography and other film production processes. Filmmakers can file for copyrights of the film's screenplay and script under copyrights laws. This grants them exclusive rights over their creation. Film producers hire writers to write an original story and pay them while filing copyrights under their own production banner. Alternatively, they can create films based on original books written by authors, by seeking the permission of the writers and paying a fee or a royalty.

Music, lyrics and background score

Music, lyrics and background score form the heart of a movie and therefore, come under the purview of intellectual property rights in the entertainment industry. An earlier practice allowed the film-maker to pay a fee to the musicians and lyricists and copyright their creations under

their production banners. However, since 2010's Javed Akhtar vs Producer's Guild case, lyricists and musicians can claim copyrights for their creations and continue to receive royalties, instead of handing over the copyrights to the film producer over and above the one-time payment received.

Copyright Infringement – An Example To Learn From

Filmmakers are obligated to pay dues for using songs by other lyricist or musician in their film. In case of a "remixed song" or a "movie remake", both the music composer and filmmaker respectively, have to pay dues to the original creator, failing to which they can be sued for copyright infringement.

For instance, in October 2019, music composer, Dr Zeus accused the makers of the Bollywood film *Bala* of copyright infringement. The British artiste claimed that his hit number *Don't Be Shy* was recreated in the film without his permission, further accusing the makers of *Bala* of plagiarising his work.

The makers of *Bala* later released an official statement claiming that they had completed the due process of acquiring the copyrights from 'Karman Entertainment'; the company that owns the worldwide rights to the song in question. The film production company, 'Maddock Films', further claimed that Karman Entertainment gave them an official license to recreate the song. This made it possible for the filmmakers to include the song in their movie, without having to pay any additional fees.

However, the *Bala* filmmakers could have been sued for copyright infringement had the filmmakers not sought the copyrights to recreate or even use the musical notes/tunes in their film.

Today, more film producers are filing for [intellectual property rights](#) in the entertainment industry to safeguard their creations and prevent others from benefiting through their creations. The Censor Board of India and other film bodies are creating laws to help film artistes literary creations. It is laws like these that are preventing film-makers and music directors from "borrowing" or "imitating" others' original, creative works. Such laws ensure that the original creators get both, credit and monetary benefits when their creations are used by other film-makers, thus protecting their rights.