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COPYRIGHT CHALLENGES IN LIVE STREAMING JUDICIAL PROCEEDING: BALANCING PUBLIC ACCESS AND INTELLECTUAL PROPERTY RIGHTS

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ABSTRACT

In the digital age, the convergence of technology and the legal system poses intricate challenges and opportunities. This paper, titled "Copyright Challenges in Live-Streaming Judicial Proceedings: Balancing Public Access and Intellectual Property Rights", explores the complex interplay between copyright laws and the emerging practice of live-streaming court proceedings. With a specific focus on the Indian context, this research illuminates the critical juncture where the imperative of public access to judicial proceedings intersects with intellectual property rights.

The central inquiry revolves around the ownership of copyright in court proceeding recordings by the Hon'ble Courts and its implications for fair use. This study investigates the evolving dynamics between live-streaming technologies and established copyright norms, particularly within the framework of the Indian Copyright Act of 1957.

The research is set against the backdrop of a recent Delhi High Court ruling, which endorses live-streaming court proceedings in the broader interest of transparency. However, this ruling raises questions about the exclusive copyright ownership of these recordings by the courts and their authority to regulate dissemination.

The study also addresses pressing concerns regarding the potential misuse of court proceeding recordings, including manipulation, selective editing, and misrepresentation. These actions risk distorting the integrity of judicial proceedings and disseminating misinformation. While copyright laws exist to guard against such abuses, they can paradoxically curtail access to vital information.

The objectives are twofold: firstly, to navigate the complex terrain where the public's right to access justice intersects with copyright protection, and secondly, to delineate the legal

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ramifications and safeguards related to fair use of copyrighted materials.

The research posits that the surge in live-streaming court proceedings has the potential to reshape copyright paradigms and necessitates a recalibration of fair use principles. It scrutinizes the intricate legal framework encompassing copyright ownership, the right to access justice, and the delicate equilibrium between public interest and individual intellectual property rights. Ultimately, this study aspires to provide guidance for harmonizing copyright protection with the imperatives of transparency, accountability, and inclusivity within the legal ecosystem.

Keywords: *Copyright, Live-Streaming, Judicial Proceedings, Indian Copyright Act, Fair Use, Transparency, Accountability*

INTRODUCTION

In the rapidly evolving 21st-century landscape, technology's pervasive influence extends into the hallowed halls of justice, presenting a nuanced intersection between the legal system and the digital age. This chapter, titled "*Copyright Challenges in Live-Streaming Judicial Proceedings: Balancing Public Access and Intellectual Property Rights*", navigates this intricate relationship by exploring the dynamic interplay of copyright laws within the context of live-streaming court proceedings, with a specific focus on the Indian context.

Before delving into the specifics, it is crucial to recognize the global significance of the issue. The practice of live-streaming court proceedings is a growing trend worldwide, transforming the landscape of judicial transparency. This not only makes the issue relevant within the Indian legal framework but also highlights its importance in other jurisdictions grappling with similar challenges.

For readers who may not be well-versed in legal terminology, let's begin by defining some crucial terms. Copyright, as an indispensable pillar of intellectual property rights, provides creators, authors, and artists with the means to safeguard their original works. Within this framework, the Indian Copyright Act of 1957³ grants exclusive rights to creators, including the authority to control reproduction, distribution, performance, and adaptation of their creations.

Amidst the digital transformation, the Indian legal system stands as a guardian of transparency, accountability, and the public's right to access justice. Recognizing the pivotal role of observing

³ The Copyright Act, 1957, (Act 14 of 1957).

and recording court proceedings, including live streaming, in upholding these foundational principles, we confront the issue of copyright ownership in these recordings.

The recent Delhi High Court ruling⁴ endorsing live-streaming of court proceedings brings the question of copyright ownership to the forefront. This ruling prompts discussions about who holds the copyright in these recordings, the extent to which courts can restrict their sharing, and how to balance the public's interest in transparency and accountability with the protection of copyright owners' rights.

This study aims to address the copyright dilemma inherent in live-streaming judicial proceedings, with a particular emphasis on the Indian Copyright Act of 1957. Our investigation will probe into the ownership of copyright in court proceeding recordings by Indian courts, scrutinize their authority to restrict the sharing of such recordings, and strike a balance between the imperative of transparency and accountability and the need to safeguard copyright owners' rights.

Additionally, we will explore the broader legal implications of live streaming and recording court proceedings on copyright laws, with a specific focus on the Indian legal context. Furthermore, we will investigate the legal safeguards and implications surrounding the principle of fair use concerning copyrighted materials.

With this foundational understanding in place, let us now delve into the intricate web of copyright challenges and live-streaming judicial proceedings, starting with Chapter II: "Legal Framework of Copyright Laws in India: Public's Courtroom or Government's Office?"

LEGAL FRAMEWORK OF COPYRIGHT LAWS IN INDIA: PUBLIC'S COURTROOM OR GOVERNMENT'S OFFICE?

In this chapter, we embark on a comprehensive exploration of the legal underpinnings of copyright laws in India and their profound relevance to the evolving landscape of live-streaming court proceedings. While our primary objective revolves around understanding the ownership of copyright in court proceeding recordings by Hon'ble Courts and their capacity to restrict sharing, it is imperative to embark on a journey that immerses us in the intricate tapestry of copyright laws within which this issue is embedded.

Historical Evolution of Copyright Laws in India Colonial Roots (1847-1914)

⁴ Live Streaming and Recording of Court Proceedings Rules of the High Court of Delhi, Rule 1, High Court of Delhi, 2022.

In 1847, the East India Company introduced India's first copyright law.⁵ It granted copyright protection for the author's lifetime plus seven years after death, with a maximum duration of 42 years.⁶ Compulsory licenses could be imposed if copyright holders denied posthumous publication. Unauthorized printing, sale, hire, or export of copyrighted material was deemed infringement, with jurisdiction in the highest local civil court. Ownership of copyright in certain works was granted to proprietors, publishers, or conductors. Copyright had to be registered for enforcement, preserving authors' rights to legal action.

Transition (1914-1957)

The Copyright Act of 1914, an extension of the UK Copyright Act of 1911, introduced criminal penalties for infringement (Sections 7-12) and modified copyright duration. Section 4 set a ten-year limit on an author's exclusive right to produce translations, except when authorized within this period.⁷

Transformative Amendments (1957 Onwards)

The Copyright Act of 1957 replaced the British Act. Amendments in 1983, 1984, 1992, 1994, and 1999 shaped Indian copyright law. In 2012, the Copyright Amendment Bill aligned Indian law with WIPO treaties.⁸

2012 Revisions (Six Categories):⁹

- **Rights in Creative Works:** Storing a creative work electronically constituted reproduction. Authors gained equal membership rights and payment entitlements.
- **Amendments Relating to WCT and WPPT Rights:** Aligning Indian law with WIPO treaties.
- **Author-Friendly Changes:** Authors received better terms in assignments and licenses.
- **Access Facilitation:** Enhancing access to copyrighted works.
- **Enforcement and Anti-Piracy Measures:** Stringent border controls, presumption of authorship, and protection for technical measures.
- **Copyright Board Changes:** Streamlining Copyright Board operations.

⁵ The Copyright Act, 1847, (Act XX of 1847) (Rep., Act 3 of 1914).

⁶ The Copyright Act, 1847, (Act XX of 1847) (Rep., Act 3 of 1914), s. 1.

⁷ Copyright Act, 1914, ch. 320, 38 Stat. 717 (repealed 1976).

⁸ Dr. Raghavender GR, *A Brief History of Evolution and Development of the Copyright Law of India* (67th Anniversary of Enactment of the Copyright Act, 1957 on 4th June 2023), LinkedIn Articles.

⁹ Abhai Pandey, *Development In Indian IP Law: The Copyright (Amendment) Act 2012*, INTELLECTUAL PROPERTY WATCH (January 1, 2013), <http://www.ip-watch.org/2013/01/22/development-in-indian-ip-law-the-copyright-amendment-act-2012/>.

In summary, the 2012 revisions to India's Copyright Act harmonized the nation's laws with international standards. These changes aimed to benefit authors, artists, and performers while addressing digital age challenges and online piracy. India's copyright journey, from its colonial beginnings, now balances public access and intellectual property rights in live-streaming judicial proceedings.

Government Copyright and Live-Streaming Court Proceedings

In the context of government works, including court proceedings, the Indian Copyright Act takes a unique stance. It automatically grants copyright protection to works created by the government, irrespective of whether they originate from the executive, judicial, or legislative branches.¹⁰ This aspect holds particular significance in our examination of live-streamed court proceedings, as it raises questions about the ownership and control of these recordings.

To understand the implications of government copyright, we must explore the historical and legal rationale behind it. This section will provide an in-depth analysis of the justifications for government copyright, emphasizing its role in preserving public records and cultural heritage. Additionally, we will discuss the potential clash between government copyright and the imperatives of transparency, public access, and the digital age.

Historical Perspective and Justifications

To fully grasp the implications of government copyright in the digital age, we must delve into its historical roots and the underlying legal rationales. Traditionally, copyright has been justified in two primary ways, reflecting differing perspectives worldwide.

In the United States, copyright is framed as a means to achieve essential public purposes, such as motivating creative activity while providing public access to creative works after a limited period of exclusive control. The U.S. Supreme Court has emphasized that copyright's purpose is to serve an important public interest rather than merely providing private benefits.¹¹

Economic theories of copyright, on the other hand, focus on incentives for creators. However, in the modern context, the ideal period of copyright has shifted from being a mechanism to recover costs to a rewards-based model. This transition challenges the traditional incentive-based rationale, especially when applied to government-created works.

Exceptions and Limitations in Government Copyright

¹⁰ The Copyright Act, 1957, (Act 14 of 1957), s. 28.

¹¹ *Princeton University Press V. Michigan Document Services, Inc*, 99 F.3d 1381 (6th Cir. 1996).

While government copyright exists, it is not absolute. The Indian Copyright Act includes limited exceptions and legal provisions allowing specific uses of government works. These exceptions are essential in determining the extent to which court proceeding recordings can be shared and accessed by the public.

For instance, the "work for hire" doctrine, embodied in Section 17 of the Copyright Act, holds that it is the employer who is treated as the owner of copyright, not the author.¹² This doctrine contradicts the natural rights theory and raises questions about why certain types of knowledge investments receive special protection. Furthermore, there is no reason why the state should safeguard the investments of publishers, primarily benefiting from copyright, more than other businesses.

Ambiguities and Challenges in Government Copyright

In the digital era, government copyright faces new complexities and ambiguities, particularly in the context of live-streaming court proceedings. Copyright enforcement becomes challenging when every digital activity potentially violates copyright, leading to a situation where almost everyone is inadvertently infringing copyright.

For example, even President Barack Obama inadvertently violated copyright law by gifting copyrighted music, highlighting the challenges of navigating copyright in the digital age.¹³ Additionally, the extradition of individuals for potential violations of copyright law underscores the international implications of copyright enforcement.

The case of the British courts seeking extradition for copyright violations,¹⁴ the impact of copyright on pricing and access to books, and the need to consider open access principles will provide concrete instances of the challenges and potential solutions.

Government Copyright in the Digital Era

Government copyright, as it stands, may not be suited to cover all the works it currently does. It evolved historically and is often seen as a colonial imposition on developing countries, prioritizing modernity and newness over tradition. Moreover, copyright law's varying treatment of different types of works, such as literature versus sound recordings, reflects historical distinctions rather than logical reasoning.

¹² The Copyright Act, 1957, (Act 14 of 1957), s. 17.

¹³ David Kravets, *EFF Wonders: Did Obama Violate Copyright Law With iPod Gift?*, WIRED (Apr. 2, 2009), [<https://www.wired.com/2009/04/eff-wonders-did/>].

¹⁴ Peter Walker, *'Piracy' Student Loses US Extradition Battle Over Copyright Infringement*, The Guardian (June 13, 2012), [<https://www.theguardian.com/law/2012/jan/13/piracy-student-loses-us-extradition>].

For example, the expansion of copyright to include photographs and even minor modifications to documents raises questions about what should be eligible for protection. The shift from copyright as an incentive mechanism to a rewards-based model further complicates matters. In conclusion, the complex interplay between government copyright and live-streaming judicial proceedings presents multifaceted challenges. While government copyright aims to protect intellectual property rights, it must adapt to the digital age and evolving societal needs. Balancing the imperatives of transparency, public access, and the preservation of intellectual property rights is an ongoing debate.

COPYRIGHT AND LIVE STREAMING OF JUDICIAL PROCEEDINGS

In this chapter, we delve into the complex interplay between copyright laws and the emerging practice of live-streaming court proceedings, with a specific focus on the Indian context. Our exploration bridges the legal framework discussed in Chapter 2 with the copyright issues that arise in the context of live-streaming court proceedings.

Linking the Legal Framework and Copyright Issues

This section bridges the established legal framework from Chapter 2, governing live-streaming of court proceedings, with the intricate domain of copyright concerns. The legal framework provides a blueprint for transparency and access to justice, defining roles and responsibilities. However, a pivotal question arises: how does court-asserted copyright ownership align with the doctrine of fair use, particularly within the Indian Copyright Act of 1957?

The recent endorsement of live-streaming by the Delhi High Court, driven by transparency goals, has introduced complexities. It questions exclusive court copyright claims and their authority over dissemination. This chapter rigorously examines the role of copyright in the digital age, scrutinizing the interplay between established norms and disruptive technology. It raises essential questions about the sufficiency of current copyright structures in balancing intellectual property protection with open access to crucial legal content.

Through academic inquiry and robust argumentation, we explore whether existing frameworks effectively address challenges and opportunities arising from live-streaming court proceedings. Our objective is to contribute substantively to the ongoing discourse on harmonizing copyright protection with transparency, accountability, and inclusivity in the legal sphere.

Understanding Copyright Ownership of Court Proceeding Recordings

Rule 9.2 of the live-streaming guidelines explicitly forbids unauthorized use and imposes penalties, including those under the Indian Copyright Act of 1957, the Information Technology Act, and contempt of court laws.¹⁵ While the legal consequences under the IT Act and contempt laws are relatively clear, the relevance of copyright laws demands further scrutiny.

Under Rule 8(4),¹⁶ the recordings are made publicly accessible on the Court's website, albeit without permission for distribution. Here, we encounter the assertion that the Delhi High Court possesses exclusive copyright ownership over these recordings and archive materials, prohibiting any unauthorized recording, sharing, or transmission. However, the claim of copyright by the Court regarding live broadcasts remains a subject of debate.

Discussing Legal Implications of Live Streaming on Copyright Laws

One of the significant concerns pertains to the potential manipulation and misrepresentation of court transcripts when shared on platforms like YouTube. Restricting sharing permissions to authorized individuals may mitigate some of these issues. Nevertheless, it is crucial to deliberate whether copyright serves as the most effective means of addressing false news or media portrayals of legal proceedings, especially when compared to the initiation of contempt proceedings.

The unauthorized sharing of publicly available recordings also poses a risk of contempt penalties. Considering the right to freedom of speech and expression, as established in *Sakal Papers Pvt. Ltd.*,¹⁷ we must weigh the importance of allowing snippets from these recordings for educational or training purposes to enhance public understanding of the legal system.

Examining the Right to Access Live Court Proceedings and Copyright

The right to access justice, protected by Article 21,¹⁸ inherently includes the ability to view court proceedings live. This right directly connects to the copyright issues discussed in this chapter. The *Mirajkar Case*¹⁹ emphasizes the significance of open court proceedings, with exceptions reserved for exceptional cases.

¹⁵ Live Streaming and Recording of Court Proceedings Rules of the High Court of Delhi, Rule 9.2, High Court of Delhi, 2022.

¹⁶ Live Streaming and Recording of Court Proceedings Rules of the High Court of Delhi, Rule 8(4), High Court of Delhi, 2022.

¹⁷ 1962 SCR (3) 842

¹⁸ Constitution of India, art. 21.

¹⁹ 1966 SCR (3) 744.

Furthermore, this right aligns seamlessly with Section 4 of the RTI Act, 2005,²⁰ as the judiciary qualifies as a "public authority." It is important to note that exceptions under Rule 5(2)²¹ of the Rules limit this access in certain cases.

Open courts play an indispensable role in enhancing public trust in the administration of justice. Although concerns about media misreporting are valid, authorized recordings can help evaluate accusations against judges or attorneys, fostering transparency and judicial accountability.

The surge in live-streaming court proceedings has the potential to reshape copyright paradigms, necessitating a recalibration of fair use principles. This study scrutinizes the intricate legal framework encompassing copyright ownership, the right to access justice, and the delicate equilibrium between public interest and individual intellectual property rights.

FAIR DEAL USAGE AND COPYRIGHT LAWS

Relevance of Fair Dealing to Live-Streaming Court Proceedings and Copyright in India

In this section, we delve into the critical concept of fair dealing as it pertains to the context of live-streaming court proceedings and copyright issues in India. Fair dealing, enshrined in Section 52 of the Indian Copyright Act,²² plays a pivotal role in striking a balance between public access to judicial proceedings and the protection of intellectual property rights.

Overview of the Concept of Fair Deal Usage

Understanding Fair Deal Usage

To comprehend the relevance of fair dealing to live-streaming court proceedings, it is essential to have a clear understanding of the concept itself. Fair dealing, though not explicitly defined in the Act, is rooted in principles of equity and aims to facilitate lawful use of copyrighted material for specific purposes such as private use, study, criticism, or review.

The courts have emphasized that Section 52 is meant to safeguard the constitutional right to free expression, particularly through research, private study, criticism, and reporting of current events.²³ However, the definition of "fair dealing" remains elusive and subject to interpretation.²⁴ It hinges on factors such as the amount and substantiality of the portion used,

²⁰ Right to Information Act, 2005, § 4.

²¹ Rules of the RTI Act, 2005, Rule 5(2).

²² The Copyright Act, 1957, (Act 14 of 1957), s. 52.

²³ *Wiley Eastern Ltd. v. IIM*, 61 (1996) DLT 281 Para 19.

²⁴ *Hubbard v. Vosper*, CA 1971 [1972] 2 WLR 389.

the purpose and character of the use, and its potential effect on the market.

Factors in Fair Dealing²⁵

a. The Amount and Substantiality of the Portion Used: Indian courts have considered this factor in various cases, emphasizing that the intention of the alleged infringer is not the sole determinant.²⁶ It's crucial to evaluate whether the use constitutes a substantial taking of the copyrighted work.

b. Purpose and Character of the Use: Section 52 of the Indian Copyright Act enumerates specific objectives that fall under fair dealing, including private study, research, criticism, and reviews. The transformative nature of the use is also essential, with courts emphasizing that it should result in a unique and not merely derivative work.²⁷

c. Effect on the Potential Market: The likelihood of competition or market substitution is a vital consideration. The Indian courts, although giving it less attention, have recognized the importance of this factor in determining fair dealing.²⁸

Discussion of Legal Implications of Fair Deal Usage in Relation to Recordings of Court Proceedings

Recordings of court proceedings hold significant importance in fostering transparency and accountability within the judicial system. However, utilizing these recordings for purposes falling under the fair dealing provisions of copyright law raises several critical legal implications. In this section, we will thoroughly examine these implications, considering the Indian legal landscape and international precedents.

Copyright Protection of Court Proceedings Recordings in India

Before delving into fair deal usage, it is essential to establish the copyright protection afforded to recordings of court proceedings in India. Both the Information Technology Act of 2000²⁹ and the Copyright Act of 1957³⁰ grant copyright protection to such recordings. Additionally, the 1971 Contempt of Courts Act³¹ and similar legislation impose penalties for their unauthorized use. However, two exceptions exist: fair dealing for educational purposes and

²⁵ 17 U.S.C. § 107.

²⁶ *S.K. Dutt vs Law Book Co.*, AIR 1954 All 570 Para 45.

²⁷ *V Ramaiah v. K Lakshmaiah*, 1989 (9) PTC 137.

²⁸ *ESPN Stars Sports v Global Broadcast News Ltd*, 2008 (36) PTC 492 (Del) Para 17.

²⁹ Information Technology Act, 2000, (Act 21 of 2000).

³⁰ The Copyright Act, 1957, (Act 14 of 1957).

³¹ Contempt of Courts Act, 1971, (Act 70 of 1971).

journalistic reporting.

Balancing Fair Deal Usage with Copyright Protection

The crux of the matter lies in striking a balance between fair deal usage and the protection of copyright in court proceeding recordings. The implications of this balance extend to several key aspects:

Accessibility vs. Copyright Protection

One of the primary concerns is whether the exclusions provided for in the law are sufficient to prevent chilling effects that might hinder widespread, legal fair deal usage. If access to court recordings is limited to a select few, it could potentially restrict fair deal usage, preventing the public from accessing crucial information. This raises questions about the transparency and accountability of the legal system, as well as the potential impediment to the work of academics and journalists who rely on fair dealing exceptions for their research.

Fair Deal Usage Restrictions

Another challenge arises from the limitations placed on fair deal usage within the Copyright Act. For instance, Rule 9(2)(iv)³² restricts the use of recordings for marketing, advertising, or promotional activities. While this limitation aims to prevent misuse, it may inadvertently curtail the amount of material that can be shared, impacting academics and journalists who depend on fair dealing exceptions.

Transparency and Accountability

Transparency and accountability within the judicial system are paramount. Allowing the public to access recordings of court proceedings serves as a critical check on the judiciary and promotes public scrutiny. Therefore, it is essential that copyright laws recognize and protect fair dealing exceptions without unduly limiting them.

The Complex Landscape of Fair Deal Usage

To appreciate the intricacies of the legal implications surrounding fair deal usage in the context of court recordings, it is vital to understand that the application of fair dealing is multifaceted. While copyright laws are designed to protect the interests of creators, fair dealing exceptions

³² Copyright Rules 2013, Rule 9(2)(iv).

are essential to ensure transparency and accountability within the judicial system. Striking the right balance between these interests requires careful consideration of various factors, as discussed in Section 4.2.2.

Relevance of International Precedents

It is also worth noting that international precedents can provide valuable insights into the legal implications of fair deal usage in relation to court proceedings recordings. Comparative analysis with other jurisdictions, such as the United States and the United Kingdom, can shed light on best practices and potential pitfalls.

In conclusion, the legal implications of fair deal usage concerning court recording copyrights are multifaceted and require a delicate balance between protecting the rights of creators and ensuring transparency and accountability in the judicial system. The next sections will explore concrete examples and cases to illustrate the practical application of these principles within the Indian legal framework.

Relevant Cases and Examples

In this section, we delve into key court decisions and real-world examples that illustrate the intricate interplay between fair dealing, court recordings, and copyright in India. These cases and instances shed light on the practical implications of fair dealing provisions in the Indian legal landscape.

While hearing the *Shemaroo Entertainment Limited v. News Nation Network Private Limited*,³³ the Bombay High Court provided a pertinent illustration of the challenges in applying fair dealing to copyrighted materials used for news reporting. The court ruled that using copyrighted materials solely for news reporting does not necessarily qualify as fair use under the fair dealing doctrine. The case also emphasized that a mere quantitative analysis of the duration of the content used does not significantly impact the outcome. Even a brief usage of copyrighted material may be deemed a copyright infringement.

Further the Delhi High Court³⁴ establishes the boundaries of fair use concerning copyrighted materials used for critical evaluation or analysis. It clarified that using copyrighted material exclusively for critical evaluation or analysis does not constitute unfair usage. Additionally,

³³ *Shemaroo Entertainment Limited v. News Nation Network Private Limited* IA(L) 21705/2021 in COMIP(L) 434/2021.

³⁴ *Super Cassettes Industries v. Mr. Chintamani Rao*, I.A. No. 13741/2006 in CS(OS) 2282/2006.

the court underlined that any transformative work should not be automatically considered as fair use under the fair dealing doctrine. This ruling is relevant because it implies that not all uses of court proceedings for critical analysis may be considered fair dealing.

The Gujarat High Court's ruling in *Devendrakumar Ramchandra Dwivedi v. State of Gujarat*³⁵ extended fair use and fair dealing principles to non-profit performances of music and other non-dramatic works. The court emphasized that music may be performed at social gatherings, religious services, or official government events without violating copyright, provided certain conditions, such as the absence of a profit motive, are met. What's crucial here is that it shows how fair dealing can extend to court proceedings when used in non-profit contexts, like social gatherings, religious services, or official government events. This broadens our understanding of fair dealing beyond traditional settings like journalism and education.

In the *Masters & Scholars of University of Oxford v. Rameshwari Photocopy Services*,³⁶ the Delhi High Court clarified the scope of fair dealing for educational purposes. It affirmed that reproducing copyrighted material from course books for academic use does not require advance permission from the publisher for distribution. The judgment underscored that using copyrighted material for educational purposes aligns with fair use principles. This case is particularly relevant in understanding the application of fair dealing in educational institutions in India.

In addition to the above-mentioned cases, there have been several other instances where fair dealing provisions and their relevance to court recordings and copyright issues have been explored in the Indian legal system. These instances might involve the use of court recordings in documentary filmmaking, historical research, and public interest reporting. They show us that fair dealing considerations aren't restricted to specific categories but can extend to various uses of court proceedings, underlining the need to carefully balance public access and copyright protection.

In summary, these court cases and additional instances illustrate the intricacies of applying fair dealing to court proceedings. They emphasize that each case should be examined in its unique context, considering factors such as purpose, transformation, and profit motive. Striking the right balance between public access to judicial proceedings and safeguarding intellectual property rights is a nuanced task that requires a deep understanding of fair dealing principles

³⁵ SCA No. 9979 of 2009.

³⁶ (2016) 16 DRJ (SN) 678.

and their application in various scenarios.

CONCLUSION AND RECOMMENDATIONS

In the ever-evolving landscape of law and technology, where transparency and access to information are fundamental tenets of a just society, our journey through the intricacies of copyright laws in the context of live-streaming court proceedings within India has revealed a complex web of challenges and opportunities. This concluding chapter encapsulates the culmination of our exhaustive exploration, shedding light on the critical findings and insights that have arisen in our pursuit of equilibrium between intellectual property rights and the public's right to know. The Indian Copyright Act of 1957, our guiding framework, has undergone scrutiny, revealing significant gaps that beckon for resolution. We've traversed the path of recent legal precedent, ventured into the depths of legitimate concerns, and emerged with practical recommendations to illuminate the way forward.

KEY FINDINGS AND INSIGHTS

Our investigation revealed a significant gap in the Indian Copyright Act of 1957, as it does not explicitly address the issue of ownership of copyright in recordings of court proceedings. This lacuna leaves room for ambiguity concerning the rights and responsibilities of courts in relation to such recordings.

The recent Delhi High Court ruling encouraging live-streaming of court proceedings in the interest of transparency underscores the importance of public access to judicial processes. However, the ruling does not definitively clarify whether the court possesses exclusive copyright ownership of these recordings, leading to uncertainty regarding the extent of control the courts can exert over their dissemination.

We also highlighted a legitimate concern regarding the potential manipulation, selective editing, or misrepresentation of court proceeding recordings. While this concern should not be used as a pretext to restrict access to these recordings, it underscores the need for safeguards to preserve the integrity of judicial proceedings.

RECOMMENDATIONS

Building upon these key findings and insights, we propose the following practical

recommendations:

Amend the Indian Copyright Act: To address the existing gap in copyright law, it is essential to amend the Indian Copyright Act of 1957 to expressly define the ownership of copyright in recordings of court proceedings. This amendment should clarify that the courts have exclusive copyright ownership and outline the scope of their authority to regulate the use of such recordings. A real-life instance of the same is the case of *'ABC News v. Aereo'*³⁷ in the United States, where the Supreme Court ruled that Aereo's retransmission of television broadcasts without permission constituted copyright infringement. This ruling set a precedent for the protection of copyrighted content in the digital era.

Authentication Measures: To mitigate concerns about the authenticity and integrity of court proceeding recordings, we recommend the implementation of authentication measures. These may include watermarking or time-stamping of recordings to ensure their reliability and prevent unauthorized alterations. The practice of timestamping and certification employed by the Australian Broadcasting Corporation (ABC) in Australia, ensures that their archived court proceedings maintain their integrity and authenticity.³⁸

Adopt International Best Practices: Drawing inspiration from jurisdictions like the United States and Australia, where specific legislation addresses the recording of court proceedings, India should consider incorporating similar provisions. These provisions strike a balance between transparency and copyright protection, offering valuable insights for Indian legal reform. The *'Camera in Court'* programs in various U.S. states enables live broadcasting of trials while adhering to strict copyright regulations.³⁹ These programs serve as a model for balancing transparency and copyright protection.

Public Awareness and Education: To foster a better understanding of the issues at hand, courts should engage in public awareness campaigns and educational initiatives. These efforts can help dispel misconceptions about the implications of copyright in live-streamed judicial proceedings. The *'Open Justice'* initiative in the United Kingdom is a successful example,

³⁷ 573 US 431 (2014).

³⁸ Australian Broadcasting Corporation Annual Report 2018-19, Appendix 4 - ABC Code of Practice (& associated standards) (Transparency Portal).

³⁹ Dennis Hetzel & Ruth Ann Strickland, *Cameras in the Courtroom*, Free Speech Ctr. (Middle Tenn. St. U. Blog), Aug. 11, 2023.

which educates the public about the benefits and limitations of live-streaming court proceedings, emphasizing transparency while respecting copyright.⁴⁰

In closing, let us underscore the paramount importance of our mission—to ensure that copyright laws serve as a bulwark against exploitation, without becoming an impediment to enlightenment. As we advocate for amendments to the Indian Copyright Act to definitively address the ownership of copyright in court proceeding recordings, we recall the echoes of '*ABC News v. Aereo*' and '*Camera in Court*' programs, from across the oceans, exemplifying the delicate equilibrium that we strive to achieve. The implementation of authentication measures, inspired by the diligence of the Australian Broadcasting Corporation, promises to safeguard the sanctity of judicial records in our digital age. And in the spirit of public engagement, we draw inspiration from the 'Open Courts' initiative, an educational beacon from the United Kingdom. In sum, this research calls for a harmonious symphony between copyright protection and public access, where the melodies of justice are not stifled but amplified by the resonance of transparency. With these recommendations, we hope to chart a course that respects the rights of creators, preserves the integrity of legal proceedings, and enlightens the public in its quest for justice.

⁴⁰ Open Justice Charter, Initiative (Jan. 2017), <https://appeal.org.uk/open-justice>.