

The Concept of Piracy under the Law of Copyright

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ABSTRACT: *Pirated copyright products includes any goods which are copies made without the permission of the right holder or person properly allowed in the country of manufacture by the right holder and which are made directly or indirectly from an article where, under the law of the country of importation, the production of that copy would have constituted a breach of a copyright or a similar right. However, in general, 'counterfeiting' generally applies to trade mark infringements, whereas 'piracy' is commonly synonymous with copyright or similar rights infringements. Moreover, both terms are usually used in conjunction with cases of malicious infringements of IP rights relating to the infringer's business purposes or causing serious economic loss to the right holder. In this area, crime phenomenon often involves the rights of the holders, the authors of works, their legal rights and interests. Such crimes will severely undermine economic growth, leading to poor progress in all aspects of society.*

KEYWORDS: *Copyright; Intellectual Property Rights; Piracy.*

INTRODUCTION

Piracy includes unlawful conduct, reproduction by any means of published works or phonograms, film or computer programs, and unlawful retransmission by cable, fiber optic, satellite or any other similar process of radio or television signals; it also includes uploading and downloading, if carried out without the permission of the holder's rights[1].

Different considerations decide software piracy: the extent of protection of intellectual property rights, the engagement of municipal authorities and states, the supply of pirated software, the level of economic growth and schooling, cultural and mental disparities. Furthermore, for consumer applications such as sports, piracy is greater than for operating systems. Therefore, attempts made both by the authorities and by app publishers on the local market need to be pursued in order to achieve visible results[1].

For lesser-known works and musicians, book piracy has a promotional influence. By - the expense of production of cultural goods, digitization has changed the media sectors. Through uploading lawful jobs, however, illegal work improves. The influence of protection against piracy varies across formats and names. E-books, the nearest replacement for internet piracy, benefit from piracy defence by selling almost 20 percent more units, although other platforms do not have a noticeable impact. For titles that have been popular prior to piracy protection, the trend is more pronounced, suggesting that book piracy has a promotional effect for artists not so prominent[2].

"Brand and product and piracy" means a trade involving products in which an intellectual property right is abused (intellectual property or IP infringement). That include utility templates, trademark rights, patent rights and copyrights, amongst other items. In order to use it for the products, a brand and product thief therefore unlawfully takes over intellectual property. In order to mislead the customer regarding the real origins and nature of the goods, he uses the prestige of a brand that a commodity maker has gained through the quality of its goods[2].

The use of the internet to download/pirate a variety of various items protected by copyright, from photographs, songs and movies, to applications, games and operating systems, is a big issue in today's day and age. The safety of these goods now faces a very significant challenge, causing a huge difference between suppliers and customers[2].

Counterfeiting and piracy is a major global epidemic, affecting almost every segment of the market around the world. As a result of pervasive counterfeiting, piracy and smuggling in the world, India is no exception, experiencing severe economic and health and safety implications. Small companies procure bogus technology or appliances intentionally or unknowingly, and experience unanticipated breakage expenses, market downtime, and unenforceable warranties[3].

When the return on investment of a new product is made more unclear by unenforced intellectual property rights, global investors are hesitant to invest. Of much greater importance, when they are duped into

purchasing dangerous car parts or dangerous drugs, individual customers endanger health and safety. As bogus repair parts make their way into military aircraft and vehicles, governments themselves have become victims of counterfeiters[4].

Over the past two decades, the importance of India in the global economy has been gradually rising. Not only has the movement of hundreds of millions of jobs into global labour markets had a huge effect on employment, growth and interest rates, as well as innovation and associated investments. While emerging markets will continue to develop, they will not increase at the same rate; India is seeing these slowing growth rates. As the statement of President Mukherjee suggests, the potential of India to continue to expand and improve its economy will depend to a large extent on its ability to foster innovation[5].

The established factors of economic growth and productivity are imagination and innovation. Research has found that economic development is closely linked to how much imagination and innovation are promoted, stimulated and fostered by the economy. A consistent legal and regulatory framework that acknowledges the meaning of the underlying intellectual property and defines and safeguards the property rights of the authors, inventors and innovators is a vital element in exploiting the potential of this ingenuity and innovation[6].

Therefore, the efficiency of the intellectual property rights (IPR) policy of a government is a crucial factor for accessing the maximum creative capability of a nation and the resulting economic development and opportunity for jobs. A successful IPR regime unlocks the ability of inventors and developers and empowers them to transform innovations into high-quality goods and services that generate jobs and promote economic development. To allow countries to achieve their economic growth goals, the security of these intellectual properties is becoming increasingly necessary. As a result, India's innovation and economic growth priorities will be closely related to its willingness to step up its emphasis and prioritize the defence of the intellectual property established by innovators and inventors[6].

Increasingly, IPR strengthening is being recognized as a major contributor to the economic growth, technology transfer, and improved innovation rates of a nation. IPR helps encourage foreign direct investment (FDI) and facilitates developed countries' research and development (R&D) and technology transfer. IPR is also an important component of many industries, ensuring growth in value-added employment and international trade. A wide variety of economic surveys have shown that sectors that depend on IPR security are major contributors to the economy, from NGOs, government, and business[7].

DISCUSSION

The fact that IPR breaches appear to escalate is undoubtedly one of the main issues. The number of counterfeit products is not only increasing slowly, but plagiarism is also getting more complex. Thus, customers survive off brand and product piracy. Many consumers, however, are not aware of the implications of a counterfeit purchase. Market education is one of the most successful ways to tackle commodity theft in a sustainable manner, according to a report[8].

Campaigns for awareness are meant to enable customers to consider the dangers and context of counterfeit products. This can raise awareness of breaches of IP. 90 percent of customers would actively refrain from consuming plagiarism after receiving this history evidence. Many clients are not only deterred by the personal dangers that plagiarism can cause, but also by the hurt experienced by third parties. Moreover, they do not allow organized crime to be funded[8].

Piracy is not only a new thing, but in today's culture, it is a contentious topic. There is fierce controversy between those who condemn it and those who are into it. There is, though, no doubt that it will forever change the advertising industry. There are many triggers, from the availability or lack of the object, to the many assumptions that individuals have about its effects. Both of these factors, along with the consequences that can range from employment cuts in the industry to increased revenue, have to be closely weighed[8].

Intellectual property rights play a key role in our culture: they promote innovation and analysis and allow firms to improve their competitive position in the global economy. However, counterfeit products and piracy pose a significant threat to this fact. By imitation drawings and signs that are covered by intellectual property

rights and/or trading these counterfeit products, more and more organisations (often criminal) make immense profits[9].

Counterfeiting and infringement are definitions that are widely used to denote a loss of intellectual property rights. This implies that, without the permission of the owners of an intellectual property right, such actions are carried out. The manufacturing or sale of unlawfully produced imitation copies of trademark-licensed items (sunglasses, clothes, sporting equipment, etc.), prescription products, designer furniture, plants, electronics, DVD players, music players and films and other protected works are several examples of infringement of intellectual property rights. Any commodity sold today is, in theory, a possible target of counterfeiting. Counterfeits do not restrict themselves to luxury items. In a commercial scale, both toothpaste and shampoo as well as laundry powders and dishwashing products are counterfeited[9].

In the other hand, counterfeiting, piracy and dumping are stripping innovators of their intellectual property rights in the economy, and this is causing serious damage not only to innovators, but also to consumers and the economy as a whole. This costs are real and immense for counterfeiting, piracy and smuggling. Since counterfeiting occurs beyond the statute, it is considerably difficult to quantify the precise extent of this crime and determine its adverse effects[10].

Illegal enterprises do not disclose reports on their operations to government officials for obvious reasons and, thus, any calculation of the scale of illegal revenue or income produced by such enterprises must be measured by indirect methods[10].

CONCLUSION & IMPLICATION

The demand for counterfeits has become increasingly professional. A veritable factory equipped with high-tech materials and its own delivery networks has replaced small clandestine factories. Even, before the genuine goods themselves, imitation products surface on the market. The ramifications of the imitation industry are not only adverse to intellectual property rights holders, but also to enterprises. Counterfeit goods are depriving companies of their reputation, their positive image and their investments in R&D, innovation and marketing. This not only impacts corporations themselves, but also all of society.

Legal protection of creation encourages investment and leads to other innovations and stimulates growth by promoting and protecting intellectual property and by creating new jobs, new industries and improving the quality of life. Criminal/crime/intellectual property crimes are varied and evident in the manufacturing, production, building, modification, redistribution of products, smuggling, counterfeiting, piracy or other criminal means used to acquire a certain share of the product of the legal economy. This sector is the most dangerous structural economy of the criminal element and has attributed all criminal acts that contribute to unique or systematic offenders, understood as illegal, anticompetitive, etc. economic activity.

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