



## Original Article

# Awareness of the provisions of the Indian Copyright Act among English and Malayalam Students of Alphonsa Arts and Science College

Joseph I Thomas<sup>1\*</sup>, Yadu Krishnan S<sup>2</sup>, Sreedhu Anil<sup>3</sup>, Md. Sharif Hossain<sup>4</sup>

<sup>1</sup> Rajagiri College of Social Sciences, Kochi, India

<sup>2</sup> Alphonsa Arts & Science College, Kerala, India

<sup>3</sup> SBIOA School, Ernakulam, Kerala, India

<sup>4</sup> Bangladesh University of Health Sciences, Dhaka, Bangladesh

## ABSTRACT

**Background:** Among the multitude of IPR protection laws in India, the Indian Copyright Act and its amendments are the most popular ones. Even though this is the scenario, many of the provisions are unknown to the public. The study was aimed at assessing the awareness regarding copyright infringement, and the awareness regarding related offenses, analyzing the subject-wise differences in knowledge about copyright, and suggesting suitable recommendations to improve awareness of the Indian copyright act.

**Methods:** A structured questionnaire was prepared with the objective to collect data from English and Malayalam Students of Alphonsa Arts and Science College. The questionnaire was administered to the sample taken for the study. Both PG and UG students were taken for study.

**Results:** A total of 160 questionnaires were distributed among English and Malayalam main students. The total response to this study is 101 (63.12%). From the one sample binomial test that was administered to the sample, it was noted that 3/5th of respondents are unaware of the fact that, if a company violates the provisions of the copyright act the employees will be equally punished.

**Keywords:** Copyright, English, Malayalam, College Students

## OPEN ACCESS

**Received :** February 10, 2023

**Accepted :** May 16, 2023

**Published :** July 1, 2023

## Introduction

Protection of one's intellectual property is as important as protecting one's tangible assets. The unaware people of copyright copy, paste, print, download, and use the intellectual property of others without giving due credit to the author or obtaining authorization to do so. All types of these illegal actions are happening in most universities and colleges because of the unawareness of the copyright act among students. Definitions from The Shorter Oxford English Dictionary copyright as "the exclusive right, given to the originator or his or her assignee for a fixed number of years, to reproduce or perform a literary, musical, cinematic, etc., work and to authorize others to do the same". Copyright management is a problem in the digital age. Despite several laws and acts, copyright violations persist in several industries, including academics, marketing, and others. In many locations throughout the world today copyright violations are a major issue in our culture. The general public's continued lack of knowledge regarding intellectual property rights (IPR) and copyright is the main cause of continued violation.

The realm of intellectual property is still expanding quickly. The necessity of intellectual property protection has increased due to globalization and the quick development of new technology. Given the ephemeral nature of intellectual property, preventing the dilution, infringement, or loss of intellectual property rights should be the primary concern for the intellectual property owner. Typical procedures make it difficult for anyone who wants to protect their inventions, brands, and business strategies in the domestic and foreign markets.

\*Correspondence to: Dr. Joseph I Thomas, Assistant Professor, Rajagiri College of Social Sciences e-mail: josephthomas@rajagiri.edu

### Scope and Relevance

Copyright is the right (or set of rights) granted to the first author of an original work that allows the author to exclusively exploit his work for commercial gain. Under the Indian Copyright Act (1957) different types of information sources are protected. Some of them are: Dramatical, Artistic, Photograph, Sound recordings, Cinematograph, Literary works, Lecture, Musical works, Software's etc.

The goal of copyright law is to shield the author of a copyrighted work from unauthorized access, public performance, duplication, or commercial use of their work. With the enactment of the Indian copyright act, writers, musicians, and artists began to generate more original works as they are assured of the exclusive right to copy the works for a set amount of time. Numerous nations throughout the world have passed copyright laws to safeguard the rights of writers and artists who develop intellectual property. The purpose of copyright laws is to reward authors, composers, and artists with the exclusive right to reproduce their works for publishing and selling to the public for a set length of time.

It is generally acknowledged that copyright merely safeguards how ideas are expressed, not the ideas themselves. The provision of fair use helps improve the work by allowing the works to be utilized by researchers and critics so that the quality of copyrighted material could be enhanced. An individual works and creates something. He should be the rightful owner of the results of his labor and talent. Additionally, some individuals disagree with copyright protection. While granting the copyright holder exclusive statutory protection, copyright also safeguards the interests of society as a whole to participate actively in the cultural and scientific advancement of mankind through two methods: first, limiting the amount of time that a work is protected by copyright, and second, allowing specific uses without the owner of copyrights' express permission, known as "fair use," provisions in copyright jargon.

### Review of Literature

The study by Nworie et al., (2019) aimed to assess the degree of knowledge of copyright law held by library staff and the degree of adherence to the law in a few South West Nigerian university libraries (1). The descriptive survey of the correlational design was used in the study. Agarwal (1996) explains how copyright law and library services can coexist (2). A lot needs to be done to raise awareness of copyright in India, where only very particular actions are permitted concerning libraries and library services. Aswath & Reddy (2012) aimed to highlight the importance of copyright regulations in the academic setting (3). For this study's analysis of copyright-related concerns, a general survey of literature and public opinion was used. Maske (2019) described the importance of copyright regulations in the academic setting. For this study's analysis of copyright-related concerns, a general survey of the literature and public opinion was used. Vasudevan & Suchithra (2013) examined Ph.D. students understanding of copyright on the campus of Calicut University. 120 doctorate students were given a standardized questionnaire on the campus of Calicut University (4). Reddy (2021) analyzed the copyright trends in India, as well as the librarian's knowledge of copyright rules and the resources she used to further her copyright education (5). According to her, in India, copyright registrations are steadily rising while copyright infringement cases are progressively dropping. The study's findings recommend continuing possibilities in the form of conferences, workshops, and seminars, among other things, as well as advanced copyright education at university institutions. Pangilinan et al., (2020) examined the knowledge of copyright and copyright breaches among college students (6). The level of copyright awareness among students at City College of Los Angeles was specifically determined by taking into account several factors, including plagiarism, citations, infringement, seminars, and training. This study included 165 student respondents in total from various institute courses. Korlety (2014) investigated the safeguards put in place by Kwame Nkrumah University of Science and Technology to prevent copyright infringement and the best practices that are being implemented to ensure that copyright is properly observed at the university (7). Enough information was acquired for the study to explore how copyright awareness affects the usage, production, and protection of copyright works.



It was strongly advised that the institution adopt a copyright policy to manage copyright issues that arise from the usage of copyright materials by students and lecturers based on the research findings and examination of related literature. Thomas and Hossain (2021) conducted a comparative study of the Indian Copyright Act with the Bangladesh Copyright Act (8). It is found that Bangladesh's copyright legislation is somewhat more recent than Indian law. It is also clear that the included provisions are nearly comparable, except for the sentence and the year of enactment. The owner's rights are permanently protected by copyright. No matter which nation enacts copyright legislation, this idea applies to all of them. Isiakpona (2012) analyzed the undergraduate students' copyright awareness and had a low degree of knowledge of the provisions of copyright laws regarding the use of printed or literary materials, despite their awareness of copyright laws being quite high (9).

**Objectives of the study**

**The objectives of this study were:**

To assess the awareness regarding copyright infringement, to assess the awareness regarding related offenses, to analyze the subject-wise differences in knowledge about copyright and to suggest suitable recommendations to improve awareness of the Indian copyright act.

**Methodology**

A structured questionnaire was prepared with the objective of collecting data from English and Malayalam Students of Alphonsa Arts and Science College. The questionnaire was administered to the population under study. Both PG and UG students were taken for study. A total of 160 questionnaires were distributed among English and Malayalam Main students. The total response to this study is 101 (63.12%).

**Results**

*Subject-wise distribution of respondents*

The present study was confined to PG and UG students opted for English as the main subject. The results of the study are tabulated as below.

**Table 1: Subject-wise distribution of respondents**

Sl No:	Subject	Number	%
1	English	71	70.30
2	Malayalam	30	29.70
	Total	101	100

It could be inferred from **Table 1** that a little over 70 (70.3%) of the respondents are from the English department and nearly 30% of the responses (29.7%) are from the Malayalam department.

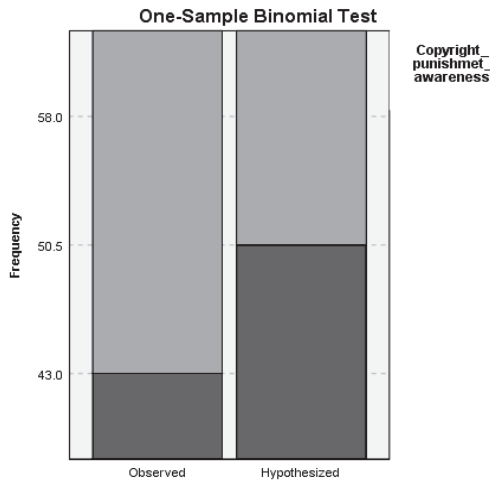
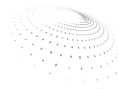
**One-Sample Binomial Test**

*Copyright Violation and Punishment*

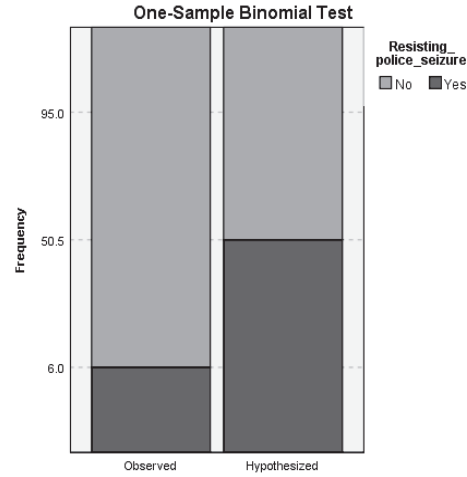
Not many are aware of the punishment for copyright infringement. The issue related to copyright breach is not taken seriously as it's not like offenses against the human body or physical property. Table 2 shows the level of awareness about punishment for copyright violation.

**Table 2: Copyright violation and punishment**

Total N	101
Test Statistic	58.000
Standard Error	5.025
Standardized Test Statistic	1.393
Asymptotic Sig. (2-sided test)	0.164



**Figure 1: Copyright violation and punishment**



**Figure 2: Awareness of resisting police seizure**

From the binomial test that was used to determine the differences, it was observed that there are no statistically significant differences between English and Malayalam Students regarding their level of awareness of punishment for copyright infringement. Both are unaware of the punishment for copyright violation.

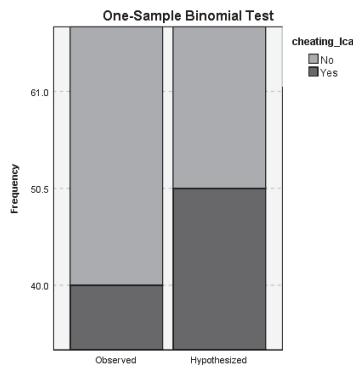
**Awareness of resisting police seizure of infringing copies**

Often people are unaware of the consequences of obstructing the police who come to seize documents that are kept in possession of a person by violating copyright law. Responses in this regard are in Table 3.

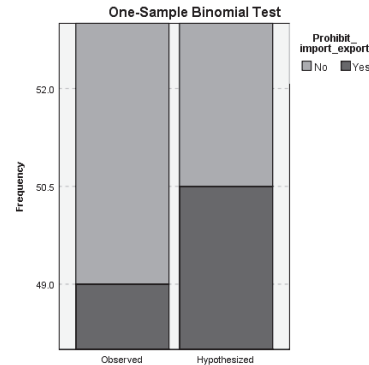
**Table 3: Awareness of resisting police seizure**

<b>Total N</b>	<b>101</b>
Test Statistic	95.000
Standard Error	5.025
Standardized Test Statistic	8.756
Asymptotic Sig. (2-sided test)	0.000

It could be inferred from the figure above that there is no significant difference between English and Malayalam students who were taken as samples concerning their awareness regarding the seizure of infringing copies. It was noted that both categories of students are unaware of the fact that resistance to seizure of copyright-infringed



**Figure 3: Compounding offense of cheating**



**Figure 4: Compounding offenses under the customs act**



copies can lead to arrest and detention as per the Indian copyright act. The results suggest that there is a need for conducting awareness classes for both categories of students.

**Compounding offense of cheating on copyright violation**

Many are unaware of the fact that copyright violators can be booked under Sec 420 of the Indian Penal Code. The responses to this query are tabulated in **Table 4**.

**Table 4: Compounding offense of cheating**

<b>Total N</b>	<b>101</b>
Test Statistic	61.000
Standard Error	5.025
Standardized Test Statistic	1.990
Asymptotic Sig. (2-sided test)	0.047

The results of the binomial test that was administered to the control group speak of the fact that English students are better compared with Malayalam students concerning their awareness regarding compounding of offense (Section 420 of IPC) of cheating in an event of copyright breach.

**Compounding offenses under the customs act**

Section 11 (1) of the Customs Act 1961 prohibits the importation or exportation of goods of any specified description. The responses to the query directed toward this particular provision are given in Table 5.

**Table 5: Compounding offenses under the customs act**

<b>Total N</b>	<b>101</b>
Test Statistic	52.000
Standard Error	5.025
Standardized Test Statistic	0.199
Asymptotic Sig.(2-sided test)	0.842

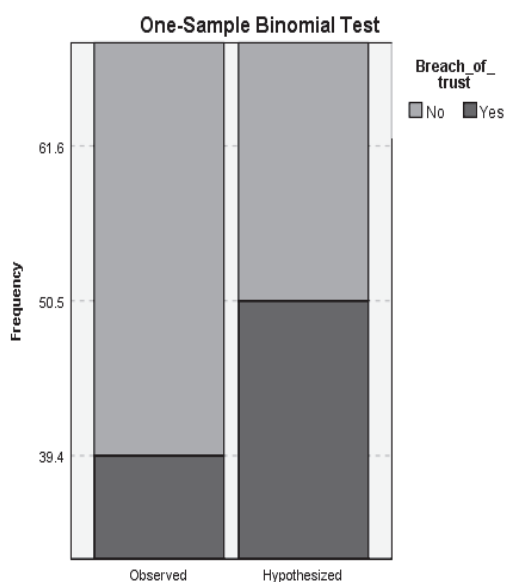
It could be noted from the figure above that both English as well as Malayalam students are equally unaware of the fact that for protecting the IP rights of copyright owners, the government can prohibit the import or export of goods which is bestowed upon the government under section 11 of the customs act and section 51(b)(iv) of Indian Copyright Act 1957.

**Compounding the offenses of breach of trust**

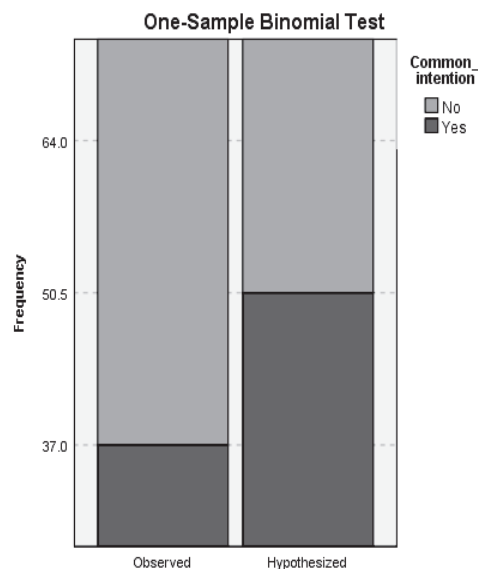
Not many will know that a copyright infringer may be booked for criminal breach of trust also (IndianKanoon.org, 2006) (10).

**Table 6: Compounding offense of breach of trust**

<b>Total N</b>	<b>100</b>
Test Statistic	61.000
Standard Error	5.000
Standardized Test Statistic	2.100
Asymptotic Sig. (2-sided test)	0.036



**Figure 5: Compounding offense of criminal breach of trust**



**Figure 6: Compounding offense of common intension**

From the results that are presented in **Figure 5**, it could be noted that much of the population is unaware of the fact that the offense of criminal breach of trust (Sec.405 IPC) can also be compounded in an event of copyright infringement.

**Compounding the offenses of common intension**

According to Section 34 of IPC ‘When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.’ (Government of India, 1860) (11). **Table 7** presents the results of one sample binomial test.

**Table 7: Compounding offense of common intension**

<b>Total N</b>	<b>101</b>
Test Statistic	64.000
Standard Error	5.025
Standardized Test Statistic	2.587
Asymptotic Sig. (2-sided test)	0.010

The result of the binomial test as represented in **Figure 6** states proves the fact that not many are aware of the fact that a person can be booked under section 34 if you and your friends jointly plan for copyright violation.

**Copyright violation by a company**

The company can also commit an offense of copyright violation. Knowledge regarding this will be limited among the public a query was raised to the sample to check the awareness in this regard. Companies can also be punished for copyright infringement as shown in **Table 8**.

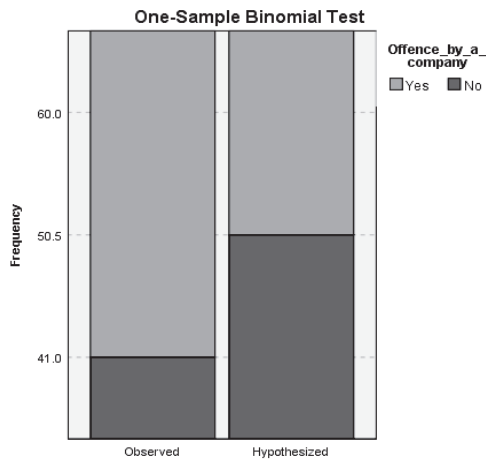
According to Section 69 of the Indian Copyright Act, if an offense is committed by a company, then ‘every person who at the time the offense was committed ...shall be deemed to be guilty of such offense shall be punished accordingly’ (Government of India, 1957) (12).



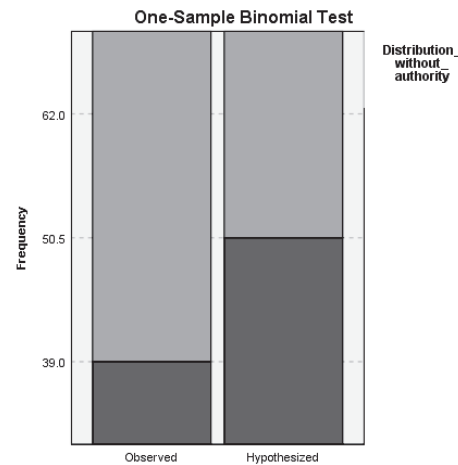


**Table 8: Offense by a company**

<b>Total N</b>	<b>101</b>
Test Statistic	60.000
Standard Error	5.025
Standardized Test Statistic	1.791
Asymptotic Sig. (2-sided test)	0.073



**Figure 7: Offense by a company**



**Figure 8: Distribution without authority**

From the one sample binomial test that was administered to the sample, it was noted that 3/5th of the respondents are unaware of the fact that, if a company violates the provisions of the copyright act the employees will be equally punished.

Unauthorized distribution of copyrighted material and infringement of copyright

If copyrighted material is unavailable in India, it's against copyright law to sell it in India solely because of its scarcity which is given in Table 9.

**Table 9: Distribution without authority**

<b>Total N</b>	<b>101</b>
Test Statistic	62.000
Standard Error	5.025
Standardized Test Statistic	2.189
Asymptotic Sig. (2-sided test)	0.029

The result of the one-sample binomial test as indicated in Figure 8 and Table 9 indicates that the lion's share of the respondents are unaware of the fact that they have infringed the right of a copyright owner conferred under Sec.51(bii) of the Indian copyright act by distributing copies of a copyrighted work without permission.

**Awareness of Provisions of Copyright Act**

By summing the scores of individual items, a total score on the awareness of provisions of the copyright act was obtained. For getting this total score, an answer indicating that the respondent was aware of a particular provision



(answer choice ‘Yes’) was given a score of 1, and a response indicating not aware (answer choice ‘No’) was given a score of 0. Thus, the maximum possible score was 10 and the minimum was zero. A comparison of the total awareness scores obtained by students belonging to the English and Malayalam Department was done using Mann-Whitney U-test and the results are presented below.

**Table 10: Awareness of the provisions of copyright**

Dept	Mean	N	Std. Deviation	Mann-Whitney U
English	4.6667	30	1.32179	845.500 (z=-1.679; p=.093)
Malayalam	4.1690	71	1.24196	
Total	4.3168	101	1.28008	

The results of the u test as seen in Table 10 indicate that the p-value associated with the U value was not statistically significant and hence there is no statistically significant difference between the English and Malayalam students in the awareness score.

**Suggestions**

In light of the findings regarding the level of awareness of English and Malayalam students regarding copyright law and related laws, it could be noted that both English and Malayalam students are equally unaware of the provisions of the Indian Copyright Act. To create awareness, classes regarding the concept of infringement, fair use, and punishments for infringement must be conducted regularly. Active participation of government bodies, the private sector, and institutions of higher education in upholding IPR is crucial in sending the right message to the younger generation on how to protect their IPR and respect others as well.

**Conclusions**

The creativity of an economy depends upon the people who work for it. Without proper implementation of rules and regulations, there will hardly be anyone who wishes to invest their time in the future for creative purposes. The rapid emergence of electronic media, reduction in the cost of duplication, etc has accelerated the instances of copyright breaches. To curb offenses, laws need to be implemented impartially without any loopholes, and for that people ought to be aware of the loss of the economy when a copyright-breached copy is circulated. This awareness will ensure that there is ‘equal pay for equal work’.

**Declaration**

**Acknowledgments:** The authors wish to thank Dr. Jitto Jose, Director, Centre for Statistical Analysis, Rajagiri College of Social Sciences, Kalamassery, Ernakulam, Kerala, India for helping with the statistical analysis.

**Conflict of Interest:** The authors have no conflict of interest to declare. All co-authors have seen and agreed with the contents of the manuscript and there is no financial interest to report. We certify that the submission is original work and is not under review at any other publication.

**Funding:** The authors did not receive support from any organization for the submitted work. No funding was received to assist with the preparation of this manuscript.

**Ethical Statement:** Not required.





**References**

1. Nworie, J. C., Nworie, H. O., & Obiano, D. C. Appraisal of Copyright Law Compliance among Library Personnel in University Libraries in Nigeria. *Library Philosophy and Practice*, Article; 2790; 2019.
2. Agarwal, D. Libraries and library services under the Indian copyright law. *DESIDOC: Journal of Library & Information Technology*; 1996; 16(6).
3. Aswath, L., & Reddy, A. N. Copyright law and the Academic Libraries: A perspective. *Trends in Information Management*; 2012; 8(2):111–122.
4. Vasudevan, T. M., & Suchithra, K. M. Copyright awareness of doctoral students in Calicut University campus. *Int. J. Digit. Libr. Serv*; 2013; 3(4): p94–110.
5. Reddy NM, A. The copyright trends in India, and the level of copyright awareness among academic Librarians. 2021.
6. Pangilinan, R. R., Yutuc, M. M. T., Nuqui, J. C., Garnica, L. L., & Ayodele, S. Study on Copyright Awareness among College Students. *International Journal of Knowledge Engineering*; 2020; 6(1): p35–39.
7. Korletey, J. T. Copyright awareness at KNUST [Ph.D. Thesis]. Master thesis. Kwame Nkrumah University of Science and Technology Kumasi; 2014.
8. Hosen, M. F. An Overview of. the Copyright Protection Laws in Bangladesh—A Critical Analysis of the Copyright Act, 2000 with Its Loopholes and Recommendations. *Beijing Law Review*; 2017; 8: p191-211.
9. Isiakpona, C. D. Undergraduate students’ perception of copyright infringement: A case study of the University of Ibadan, Oyo State, Nigeria. *Library Philosophy and Practice*; 2012; 1.
10. IndianKanoon.org. Jayanthilal M. Munoth And Ors. vs Mr. M. Durairajan; April 2006. Retrieved September 13, 2023, from IndianKanoon.org: <https://indiankanoon.org/doc/154069/>
11. Government of India. Indian Penal Code. New Delhi: Government of India; 1860. Retrieved September 13, 2023, from <https://lddashboard.legislative.gov.in/sites/default/files/A1860-45.pdf>
12. Government of India. The Copyright Act. New Delhi: Government of India; 1957. Retrieved September 13, 2023, from <https://copyright.gov.in/documents/copyrightrules1957.pdf>

**Cite this article as:** Thomas JI, S YK, Anil S, Hossain MS. Awareness of the provisions of the Indian Copyright Act among English and Malayalam Students of Alphonsa Arts and Science College. *BJHAS* 2023;1:1.