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Broadcasting Rights and IP Issues: Protection of Broadcasting Rights

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ABSTRACT

In this research paper, an attempt has been made to understand, study and analyze broadcasting and IP Laws. In particular, the subject of research has been broadcasting rights against signal piracy. In this paper, the scope of the study is not just limited to India but a broadened horizon is considered, by studying the important aspect of International Perspective and efforts.

This research begins with the hypothesis, which works on the assumption that there exists a gap between IP laws and Broadcasting rights. And this stems from the problem that there exists a vacuum in the protection of broadcasting rights which gives rise to further challenges.

In the course of research, the conclusion is drawn towards acceptance of the hypothesis undertaken. Due to the advancing technologies and a sense of lassitude in updating the relevant laws and treaties, this vacuum comes to exist.

***Keywords**: Broadcasting, IP laws, Broadcasting Rights, Signal Piracy.*

I. INTRODUCTION

Broadcasting is a means of dissemination of information. The term Broadcasting is in itself a wider term. With the advancement of science and technology, multimedia, broadcasting, and telecommunications began to develop and slowly progressed to achieve their zenith among the general population. The origin of the word is traced from the words ‘broad’ and ‘cast’. The word ‘broad’ means completely or expansive while ‘cast’ means to fling or to throw. The term Broadcasting is in itself a wider term Thus, the ensemble of broadcasting comes to mean widespread distribution of information. In this paper, the focus is drawn on understanding the nexus between broadcasting and IP laws with particular reference to the protection of broadcasting rights.

What does this nexus between broadcasting and IP laws really translate into? To substantiate the same with example, it would be apt to refer to a scenario in which people watch cricket match in a gallery or a live concert of any celebrity and the IP laws regulates over these live

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events.

Often, it is lost on people that these programs and matches cannot be infringed. However, the haunting truth is that IP regulations in the context of broadcasting can be easily violated and infringed. One instance of this violation is in the form of Signal Piracy. Considering this, an important aspect of study is the protection of broadcasting rights.

Before delving into broadcasting and IP Laws in detail, it is important to note that Intellectual Capital is rapidly mushrooming to become one of the key wealth drivers in the present-day scenario of International Trade. Flowing from this, the resultant impact has led to increasing importance of Intellectual Property Rights on the legal horizon across jurisdictions.

Intellectual Property Law, to put it simply, aims to protect Intellectual Capital and property through various means such as patent, copyright, trademarks etc.

The World Intellectual Property Organization (WIPO) states that a broadcaster's rights are comprised of the protection of significant financial outlays for televising sporting events, recognizing and honoring broadcasting companies' entrepreneurial efforts for their contributions to the spread of knowledge and culture.

In this paper, broadcasting rights, the protection offered to such rights and the challenges that stand in their way will be looked into and studied.

(A) Understanding of 'Broadcasting Rights'

In contrast to private signals that are sent to specific receivers, broadcasting is the electronic transmission of radio and television signals meant for general public reception. The systematic distribution of entertainment, information, instructional programmes, and other characteristics for simultaneous reception by a dispersed audience with suitable receiving equipment might be characterized as broadcasting in its most basic form.

In 1920, KDKA in Pittsburgh became the USA's first commercial radio station. The growth of national radio networks and the number of stations both happened swiftly. The Radio Act of 1927, approved by Congress to prevent radio monopolies, created the Federal Communications Commission. The development of transmitting techniques and content during the "golden age of radio" in the 1930s and 1940s led to radio becoming the most popular source of entertainment. Germany and Britain both began broadcasting television in the 1930s. Radio networks were swiftly supplanted by television networks as the United States assumed global leadership following World War II. After making their debut in 1954, color television broadcasts gained popularity in the 1960s.

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In India, Chapter VIII of the Copyright Act[3] lists the broadcast-related provisions in sections 37 to 39 A.

According to Section 2(dd) of the Act, "Broadcast" is defined as ***"broadcast means communication to the public –***

By any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images; or

By wire and includes a rebroadcast"

The Broadcasting Services Act, 1992[4] defines broadcasting as ***"a service that delivers television programs or radio programs to persons having equipment appropriate for receiving that service, whether the delivery uses the radio-frequency spectrum, cable, optical fibre, satellite or any other means or a combination of those means, but does not include:***

(a) a service (including a teletext service) that provides no more than data, or no more than text (with or without associated still images); or

(b) a service that makes programs available on demand on a point-to-point basis, including a dial-up service; or

(c) a service, or a class of services, that the Minister determines, under subsection (2), not to fall within this definition."

The Rome Convention, which is governed by the World Intellectual Property Organization, is the first international framework to recognise a broadcaster's adjacent rights (hereafter WIPO). The Convention was established in October 1961, and it went into force in May 1964. The Convention has so far been ratified by 92 countries.

Broadcasts are listed as one of the protected works alongside performances and phonograms in the 1961 Rome Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations (the Rome Convention). The Convention does not define the term "broadcast," but it does define "broadcasting" as "the transmission by wireless means for public reception of sounds, or of images and sounds" in Article 3(f).

As per the Berne Convention[5], broadcasting goes on to mean "***emission by wireless means, for members of the public".***

To protect program-carrying satellite communications, the Brussels Convention, often known

[3] The Copyright Act, 1957 No. 14 of 1957
[4] The Broadcasting Services Act, 1992 No. 110, 1992
[5] The Berne Convention for the Protection of Literary and Artistic Works, 1887, 828 U.N.T.S. 221.

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as the Satellite Convention, was adopted in May 1974 and came into effect in September 1979. Program-carrying signals are referred for the first time in this Convention, which is a global accord. The Satellite Treaty does not define "program-carrying signals" in detail, but Article 1 does include concepts that are relevant to program-carrying signals. A "programme" is a grouping of live or recorded content that is composed of visuals, sounds, or both and that is contained in signals that are broadcast with the intention of being widely distributed. A "signal" is specifically a carrier manufactured electronically that can transfer programmes. Coincidentally, this concept of "programmes delivered by signals" matches the concept of "broadcasts" from the Rome Conventions."[6]

164 nations are bound by the TRIPS (The Agreement on Trade-Related Aspects of Intellectual Property Rights). It is safe to claim that the Rome Agreement offers a better level of protection than the TRIPS. The prior portion of Article 14 of TRIPS recognises the rights to fixation, reproduction, and rebroadcasting as well as the right to public communication for television broadcasts.

However, if the member states do not recognize the rights of broadcasting organizations, the latter section of Article 14(3) offers a substitute. "Where Members do not provide such rights to broadcasting organizations, they shall provide owners of copyright in the subject matter of broadcasts with the possibility of precluding the foregoing acts," the clause reads.

In its most straightforward form, "Broadcasting Rights" are those rights which have been legally granted to broadcasting organizations, such as those that produce television, radio, or other types of telecasting programmes known as Broadcasting Organizations' rights.

Exclusive rights of Broadcasting Organizations cover:

- broadcasting their programme signals;
- fixing their unfixed programme signals;
- reproducing their fixed programme signals;
- distributing their fixed programme signals,
- excluding for rental and public lending;
- Rebroadcasting their programme signals;

[6] Bao-Trung Tran, 'The Protection of Broadcasters' Rights in a Changing Technological Landscape : A View from South Korea' [2016-17] WIPO Academy, University of Turin and ITC-ILO Master of Laws in Intellectual Property <https://www.itcilo.org/sites/default/files/inline-files/Revised-TRAN%20BAO%20TRUNG%20-%20RESEARCH%20PAPER.pdf> accessed 19 January 2023

- Transmitting Their Program Signals Directly;
- Broadcasting Their Program Signals Directly;
- Publicly Communicating Their Program Signals Broadcast.

A continuing issue for the media and broadcasting industry, particularly in the field of sport, concerts and live matches, is the concurrent or simultaneous coverage of events which are broadcasted by an official authorized broadcaster that has invested in the broadcasting rights via websites and mobile applications. In the case of Star India v. Piyush Agarwal (2013), a single judge of the Delhi High Court issued a limited injunction order preventing the defendants from providing live match information in the form of ball-by-ball or minute-by-minute score updates and match alerts without first obtaining a licence from the Board of Control for Cricket in India (BCCI) (the body that governs, organizes and promotes cricketing events in India). Since the defendants had been granted a television broadcasting licence by the BCCI, the plaintiff asked the court for an injunction preventing them from simultaneously covering cricket events on their mobile app. The court imposed a limited injunctive order allowing the defendants to report 15 minutes after the broadcast in order to allow the official broadcaster to recuperate its investment. The Delhi High Court's Appellate Bench reversed the decision in response to an appeal, coming to the conclusion that match information and updates are inherently facts and are not protected by the Copyright Act.

In order to protect their rights in both the physical and digital realms, right holders have already demonstrated the reliability of John Doe orders. The Delhi High Court appointed court commissioners to seize equipment at the locations of unnamed cable operators who were broadcasting the 2002 Football World Cup without the plaintiff's consent in Taj TV v. Rajan Mandal (2002), a case involving the infringement of broadcast reproduction rights of a sports TV channel (the official broadcaster). Many media outlets and broadcasters have employed the John Doe strategy to combat persistent piracy with tremendous success over the years.

The abuse of John Doe orders, however, has resulted in the blocking of lawful websites and other content under the guise of such requests. The Bombay High Court established a three-step verification process for blocking orders to be authorized in Eros International Media v. BSNL (2016).

An oath-taken affidavit, written confirmation and evaluation of the infringing uniform resource locators (URLs) by an independent organization, and second-level confirmation by the complainant and its representatives all count as sufficient proof.

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In order for any legitimate or innocent party to contact the court, the court also ordered that all internet service providers set up a blocking page with information about the order and the court.

John Doe orders have gradually lost their effectiveness in the modern digital age, since piracy is immediate and pirates are anonymous, making a new strategy to deal modern piracy is necessary. The existence of copyrighted works on openly available and downloadable websites causes a significant economic loss for the media and television sectors. Websites like Piratebay, Kickass Torrentz, and similar "rogue" sites only offer pirated content. When a URL or server is disallowed, several replacements with the same or nearly identical names and server locations appear. The Delhi High Court's decision in 2019 to combat piracy through a dynamic injunction has given copyright owners in the media and broadcasting sector significant respite in their fight against Hydra-headed rogue websites in this area. In the case of UTV v. 1337X.to, the court devised an effective strategy of implementing a "dynamic injunction," which forbids not only the recognized websites but also any potential mirror websites from storing and transmitting stolen content.

The court has established the following standards for designating websites as "rogue websites":

- The owner's traceability,
- the operator's lack of response to takedown requests,
- the website's instructions for facilitating infringement,
- the volume or frequency of visitors, and
- the fact that the website's primary purpose is to facilitate copyright infringement are all indications that this is the case.

In order to prevent abuse of the dynamic injunction against legitimate online platforms that meet the definition of "intermediaries" and are given statutory immunity under the Information Technology Act 2000 and its regulations, the court had to establish criteria for identifying fraudulent websites.

The conventional hurdles to content distribution have been eliminated by the internet, giving media and television companies new ways to monetize and distribute their material. Gratis access to online platforms provides content producers with access to a big worldwide audience, which, if managed well, may greatly benefit the industry and increase profitability.

One such success story is T-Series, currently the YouTube channel with the most subscribers. Online services with millions of users and up-loaders, however, could find that occasionally, unintentionally, and occasionally on purpose, information is published on their platforms

without permission or rights.

The plethora of content available on these networks render it impossible to have it within human control. Due regard is to be given to balancing the preservation of free speech, the rights of copyright holders, and the dissemination of concepts for socioeconomic progress. In the 2016 case Myspace Inc. v. Super Cassettes Industries, the Delhi High Court determined that the only way to truly learn about infringing content is by locating the precise Address and informing the online platform. The Delhi High Court acknowledged the features of online platforms, the millions of uploads every second, the value of such platforms for free speech, and the reality that content is handled mechanically without human involvement.

As long as they act quickly to limit access to or remove the content after becoming aware of the infringement via a specific URL, the court decided that social media platforms acting as middlemen are immune from liability for user-uploaded illegal information. This is done in order to prevent the middleman from determining if the material is acceptable or not. The court acknowledged that certain internet content may be permitted, licenced, or eligible for fair use.

In India every broadcasting company has certain rights with regard to their broadcasts pursuant to Section 37 of the Copyright Act[7]. Restrictions against violation/infringement can be placed against:

1. Rebroadcasting the transmissions;

2. Causing the broadcast to be available for public hearing or seeing in exchange for a fee;

3. Recording the broadcast on sound or video in any way;

4. Selling, renting, or making available for sale or rental any such sound recording or visual recording of the broadcasts, regardless of whether the original recording was done with or without a license or whether it was licensed for a purpose that was not intended by the license.

Twenty-five years from the start of the broadcast will be the complete duration of this package of rights, and throughout that time, anyone who uses them without the owner's or licensee's permission is infringing those rights. Additionally, Section 43 of the Information Technology Act[8] specifies that a person would be required to pay Rs. 1 crore in damages for unauthorized downloading.

The World Intellectual Property Organization (WIPO) states that a broadcaster's rights are comprised of the following:

[7] Section 37 of the Copyright Act, 1957 No. 14 of 1957

[8] The Information Technology Act, 2000 (No. 21 OF 2000)

- Protect significant financial outlays for televising sporting events
- Recognize and honor broadcasting companies' entrepreneurial efforts for their contributions to the spread of knowledge and culture.

The performer's right, also referred to as the performer's rights and protected by Section 38 of the Copyright (Amendment) Act of 1994, is also included. Actors, musicians, dancers, jugglers, acrobats, etc. all have rights as performers.[9]

The common law country of India has ratified a number of international IP agreements. The two primary pieces of legislation that protect intellectual property in the Indian media and broadcasting industry are the Trademarks Act of 1999 and the Copyright Act of 1957.

In India, celebrity and personality rights are governed by developed jurisprudence rather than by legislation. The Supreme Court of India recognized personality rights as a subset of the "right to privacy" in a landmark ruling from 2018 and upheld it as a fundamental right protected by the Indian Constitution (KS Puttaswamy v. Union of India). Everyone has the right to "exercise control over his or her own life and image as portrayed to the world and to control commercial use of his or her identity," in addition to the right "to prevent others from using his or her image, name, and other aspects of his or her personal life and identity for commercial purposes without his or her consent."

Numerous celebrities, including actors, musicians, politicians, and athletes, have obtained injunctions over the years to prevent the unauthorised use of their names or images for commercial gain. Despite the name's similarity to a celebrity's, courts will not intervene with an individual using their own name in business in an honest and legitimate manner. In this regard, the Delhi High Court's 2017 ruling in the case Gautam Gambhir v. DAP is noteworthy.

Producers and celebrities frequently turn to trademark and passing-off laws to protect the legal rights to their names and character likenesses. In Star India Private Limited v. Leo Burnett (2002), the Bombay High Court determined that it was essential that the characters being merchandised have gained some level of public recognition and a life apart from the original product or context in which they appear.

In DM Entertainment v. Baby Gift House (2010), the Delhi High Court applied the common-law concept of passing off in the context of commercializing the image of real, living people and granted an injunction against the unauthorized sale by a third party of dolls that resembled a well-known pop singer, without their permission, in light of the potential for consumers to be

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[9] Law mantra, 'Protection of Broadcasting Rights Under Intellectual Property Law in India ' (Journal Law Mantra, 2015) <https://journal.lawmantra.co.in/wp-content/uploads/2015/09/9.pdf> accessed 19 January 2023

misled into thinking the dolls had actually been endorsed.

II. Protection of broadcasting rights

While the battle against piracy in the fields of software, movies, and music has been dramatic in the media, academic, and regulatory circles, the thief of broadcasters' signals has received less attention. The lack of awareness regarding the problem of signal piracy in the Asia-Pacific area can be attributed to the lack of a realistic empirical assessment of the scale of signal piracy in the region and the financial losses endured by the broadcasting industry.[10]

Signal piracy is the theft of a digital signal, such as a cable or satellite signal. A valid broadcast or a stolen "event," such as getting a Pay-Per-View event for free, can both have digital signals stolen from them.[11]

Due to the wide difference in media access, nature, and consumption levels, as well as socio-economic settings and the distribution of technology among individuals, signal piracy, or the theft of broadcast signals, takes many different forms globally. When private television first debuted in India in the early 1990s, group or community viewing represented the majority of illegal TV access in developing African countries. But today, things are drastically different in India. Because to a dramatic drop in access hurdles, particularly price, about 800 million people now watch television for less than Rs20 per day[12].

The issue of signal piracy and the ability of broadcasting organizations to address it has long been a source of contention for the Geneva-based World Intellectual Property Organization (WIPO). Since its inception in 1998, the WIPO Standing Committee on Copyright and Related Rights (SCCR) has debated this issue at 20 meetings in a row.[13]

The Rome Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations, jointly administered by the World Intellectual Property Organization (WIPO), the International Labor Organization (ILO), and the United Nations Educational, Scientific, and Cultural Organization (UNESCO), is the primary international legal framework defending broadcasters' rights. It was finished in 1961, more than 60 years ago, at a period when satellite broadcasting was unheard of, cable networks were just getting started, and

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[10] Seemantani Sharma, 'Signal piracy: a threat to Asia-Pacific broadcasters' (WIPO Magazine , February 2018) <https://www.wipo.int/wipo_magazine/en/2018/01/article_0002.html> accessed 19 January 2023

[11] Law mantra, 'Protection of Broadcasting Rights Under Intellectual Property Law in India ' (Journal Law Mantra, 2015) <https://journal.lawmantra.co.in/wp-content/uploads/2015/09/9.pdf> accessed 19 January 2023

[12] PN Vasanti, 'Curbing Broadcast Signal Piracy' (Livemint, 2010) <https://www.livemint.com/Opinion/1TzTJiDuFQibtrAdbx4owL/Curbing-broadcast-signal-piracy.html> accessed 19 January 2023

[13] PN Vasanti, 'Curbing Broadcast Signal Piracy' (Livemint, 2010) <https://www.livemint.com/Opinion/1TzTJiDuFQibtrAdbx4owL/Curbing-broadcast-signal-piracy.html> accessed 19 January 2023

the Internet was even a far-fetched idea.

The Rome Convention, which has limited international appeal and ineffectively addresses the concerns of broadcasters in the twenty-first century on a number of counts, has only been ratified by 93 of WIPO's 191 member states and 17 countries from the Asia-Pacific area. For instance, a broadcaster's pre-broadcast signal is not shielded. Pre-broadcast signals, also known as program-carrying signals, are employed to transmit programming from one broadcaster to another. They are not intended for general use. Pre-broadcast transmissions are more susceptible to piracy than regular broadcast signals since they don't have advertisements, trademarks (logos), or any other identifying characteristics.[14]

The Cable & Satellite Broadcasting Association of Asia (CASBAA) conducted a research in 2011 to estimate the cost of broadcast piracy in the area. Even though that study estimated that broadcast piracy cost pays TV companies USD 2.2 billion in damages from 2010 to 2011, it excluded losses suffered by free-to-air and public service broadcasters. Assessing the losses suffered by all varieties of broadcasters inside the region and elsewhere is obviously critical, but it is also expensive and time-consuming.

The research reveals that broadcast piracy impacts small and large broadcasters alike wherever they operate, highlighting the necessity for a more thorough review of the existing situation. In reality, because they frequently lack the economies of scale experienced by their counterparts in more established economies, broadcasters in emerging and least developed countries suffer the greatest impact from signal piracy. In particular when viewers in such regions already have access to the content through illegal websites, signal piracy makes it substantially more difficult for public service broadcasters to sell their local content in international markets.

The Supreme Court of the United States ruled in Red Lion Broadcasting Co. v. Federal Communications Commission[15] that it is constitutional to require radio licensees to devote time and attention to issues of public interest. The Fairness Doctrine only upholds the duty that one who is granted a license for a restricted publicly beneficial property owes to the community.

In a similar vein, presenter Hughie Green lost a Privy Council ruling in Green v. Broadcasting Corporation of New Zealand[16] when he attempted to establish a format right to his Programme concept, Opportunity Knocks. Simply put, the Court's Law Lords confirmed the general rule of UK law that, under the circumstances of this case, there could not be a copyright in an idea and

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[14] Seemantani Sharma, 'Signal piracy: a threat to Asia-Pacific broadcasters' (WIPO Magazine , February 2018) <https://www.wipo.int/wipo_magazine/en/2018/01/article_0002.html> accessed 19 January 2023

[15] 95. US 367 (1969)

[16] (1989)RPC 700 PC

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they established that there could not be a copyright in the game-format.

In 1998, WIPO raised concern about the need to update the measures in place to protect broadcasting companies against signal theft, particularly in light of the advent of the digital age. It concentrated on creating a "rights-based" Treaty that would add the right to broadcast signals to the Intellectual Property Rights, creating a new interface.

According to the International Copyright Order, 1999's Clause (4), which expressly refers to Paragraph 3 of the Act, a broadcasting organization and a performer in a World Trade Organization country covered in Part VI of the Schedule are subject to the rules of Chapter VIII of the Act.

In its Recommendation to Member States on the Independence and Functions of Regulatory Authorities for the Broadcasting Sector dated December 20, 200014, the Committee of Ministers to Member States on the Independence and Functions of Regulatory Authorities for the Broadcasting Sector stated that "when the task of rationing the broadcast, spectrum is left to the government, government and its allies tend to end up as the greatest beneficiaries." Yet, broadcasters may self-censor and comply with directives even when a government approaches this task in good faith out of concern about losing their licenses. The government does not need increased power to restrict what shall be said, so long as it can choose which individuals shall be endowed with larynxes, as one observer cynically put it.[17]

Due to the fact that India is the third-largest broadcasting market in the world and that it has a substantial social media presence, there is a higher likelihood that a sizable social media audience will congregate there and point a group of people in its direction. The media plays a key role in disseminating knowledge and information to all demographic groups through broadcasting. It has a large portion of an impact on society as a whole.

It is now possible to access live broadcasts, delayed broadcasts, highlights of an event, and even video and audio samples relating to such events thanks to the most recent technological advancement. In other words, if all of these components are broadcast, then the legal rules still apply to the questions of origin, ownership, sale, and acquisition.

The important regulations providing protection to the broadcasting media organizations are as follows:

1. Copyright Act, 1957

[17] Law mantra, 'Protection of Broadcasting Rights Under Intellectual Property Law in India ' (Journal Law Mantra, 2015) <https://journal.lawmantra.co.in/wp-content/uploads/2015/09/9.pdf> accessed 19 January 2023

2. Indian Telegraph Act, 1885
3. Sports Broadcasting Signal Ordinance, 2007.
4. Cable Television Network Act, 1995
5. Information Technology Act, 2000

Section 37 of The Copyright (Amendment) Act, 2004 provides –

"***Broadcast reproduction right" –***

(1) Where any programme is broadcast by radio-diffusion by the Government or any other broadcasting authority, a special right to be known as "broadcast reproduction right" shall subsist in such programme.

(2) The Government or other broadcasting authority, as the case may be, shall be the owner of the broadcast reproduction right and such right shall subsist until twenty-five years from the beginning of the calendar year next following year in which the programme is first broadcast.

(3) During the continuance of a broadcast reproduction right in relation to any programme, any person who, ---

(a) without the licence of the owner of the right ---

(i) rebroadcasts the programme in question or any substantial part thereof; or

(ii) causes the programme in question or any substantial part thereof to be heard in public; or

(b) without the license of the owner of the right to utilize the broadcast for the purpose of making a record recording the programme in question or any substantial part thereof, makes any such record, shall be deemed to infringe that broadcast reproduction right."

Section 39 of the Act18 provides some latitude for the Act. The Copyright (Amendment) Act of 1994 acknowledged some behaviors as not being outright violations of the broadcasting reproduction rights. Making any sound or video recordings for one's own use, for legitimate teaching or research, or using broadcast snippets in accordance with fair dealing when reporting on current events, or performing any such act with the necessary adaptations and modifications, provided that they do not violate copyright under Section 52 of the Act.

As long as they comply with the several standards mentioned in Section 31D, broadcasting organizations are allowed to transmit previously published works of literature, music, or sound recordings. It seems doubtful that the broadcasting organization received special treatment as a

result of the Section 31D's exclusion of a copyright owner hearing. Therefore, the broadcasting companies are allowed to notify the owner of the rights to each work in advance of their intention to broadcast the work, along with information regarding the length and geographic scope of the broadcast, and to pay royalties at the rate established by the Appellate Board.

As long as they comply with the several standards mentioned in Section 31D, broadcasting organizations are allowed to transmit previously published works of literature, music, or sound recordings. It seems doubtful that the broadcasting organization received special treatment as a result of the Section 31D's exclusion of a copyright owner hearing. Therefore, the broadcasting companies are allowed to notify the owner of the rights to each work in advance of their intention to broadcast the work, along with information regarding the length and geographic scope of the broadcast, and to pay royalties at the rate established by the Appellate Board.[18]

The defense of broadcasting rights has evolved significantly since the late 1990s. To protect the accuracy of a particular broadcast of an event was the initial driving force behind its ability to manifest as or incorporate itself into a self-made law.

III. CONCLUSION AND SUGGESTIONS

This project began with the hypothesis –

- There exists a gap in the IP Laws and Broadcasting rights.

The research conducted above has helped realizing that the hypothesis is very much true. It is therefore, stated that the above hypothesis stands accepted.

As a result of our analysis of the laws governing broadcasting, it is clear that while the Copyright (Amendment) Act of 1994 gave broadcasters the ability to defend themselves against infringement, it is unable to keep up with technical changes. The threat of infringement grows as technology develops more and more.

The government is making every effort to offer these broadcasters the highest level of security, but they are unable to develop or implement the legislation that are necessary to do so.

The government should propose better solutions to lessen the problems surrounding infringement in the international sphere and better ideas for providing broadcasters with important recognition in addition to those outlined in Section 37. The proposed Broadcast Services Regulation Bill of 2007—an effort to promote and develop the carriage and content of

[18] Lucy Rana and MerilMathew joy , 'India: Internet Broadcasting And Section 31D Of Copyright Act 1957' [2019] Mondaq <https://www.mondaq.com/india/copyright/860144/internet-broadcasting-and-section-31d-of-copyright-act-1957> accessed 29 January 2023

broadcasting in an orderly manner—was another declaration made by the legislative branch.

Further, Since the 1961 Rome treaty, which was created at a time when cable was in its infancy and the Internet had not even been developed, international regulations to protect television transmissions from piracy have not been revised. The ability to instantly create and distribute flawless digital copies of television shows has made signal theft a major business concern for broadcasting companies all over the world.

It is suggested that there is an urgent need to reformulate, rethink the solutions and work around the changing technologies that stand as a challenge. The issues are inherent to the changing nature of technology yet they are ready to be tackled by simple acts of updating, reformulating and adopting new strategies.

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