

Bollywood titles must be registered with Copyright Board: expert

Hindi film titles are always registered with film trade associations, but an advocate here who specialises in Bollywood cases says that registering with the Copyright Board is essential if filmmakers want to protect their intellectual property rights adequately.

Advocate Atul Mankame stressed that registering titles and contents of films with associations was 'not a legally valid procedure'.

'When the concerned associations register the titles of the movies and contents, they do so only in order to maintain the internal discipline of the film industry,' Mankame, who deals in Bollywood related legal matters, told IANS.

The Bollywood filmmakers register the titles with the Title Registration Committee of the Indian Motion Picture Producers' Association (IMPPA) or the Film and Television Producers' Guild of India or the Association of Motion Pictures and Television Programme Producers (AMPTPP).

But title dispute is common in Bollywood.

Recently producer-director Kunal Kohli and actor-producer Saahil Chadha were at loggerheads over the title of their films 'Thoda Pyaar Thoda Magic' and 'Thoda Life Thodi Magic' respectively.

Music company Venus' upcoming movie, 'Kushti', in which WWW wrestling champion Khali plays, is also embroiled in a battle with producer Anoop Srivastava over the title.

Srivastava claims that he had registered the title 'Kushti' with IMPPA much before Venus. Along with 'Kushti,' he says, he had also registered two other titles, 'Yaaran Di...Kushti' and 'Kushti...Ab Aayega Maza' for his proposed movie.

Although under the Indian Copyright Act, it is not compulsory for movies and their contents to be registered with the Copyright Board in [New Delhi](#) after having registered with film industry trade and craft associations, it is nevertheless important, Mankame said.

In case of disputes, only a registration with the Copyright Board is considered a prima facie evidence in a court of law, the lawyer said. But so far no film title has been registered with the Copyright Board.

He added that the non-availability of legal documents in support of copyright ownership is why a majority of movie piracy cases fizzle out in courts.

He said the preamble of the Copyright Act 1957 clearly states: 'In order to encourage Registration of Copyright, provision is made that proceedings regarding infringement of copyright shall not be issued unless copyright is registered at copyright office.'

The Copyright Board has the sole authority to register copyright or issue any license/certificate to that effect.

Registration with the Copyright Board's serves as evidence to prove 'ownership of work and title and

all rights envisaged in the work, for enforcing legal remedies in case of infringement of rights, to claim rights of ownership, for protection and acknowledgement in 136 countries and to enforce moral rights', Mankame said.

IMPPA has now initiated the process to get film titles and contents registered with the Copyright Board, said IMPPA secretary Anil Nagrath.

Though only the IMPPA has come forward to protect the copyrights of movies made by its members so far, AMPTPP is likely to follow suit.

'We are looking into the matter in consultation with our legal advisors,' said AMPTPP president Pahlaj Nihalani.

The Film Writers Association (FWA), which registers stories, screenplays and dialogue of its members, is also contemplating a similar move.

'It is not compulsory that our writer-members register their intellectual property with Copyright Board. But from a legal standpoint, it may be the right thing to do,' said FWA vice president Imtiaz Hussain, who is also chairman of the FWA's dispute settlement committee.

Hussain explained that the FWA is essentially a trade body for safeguarding the interests of its members in disputes with producers.

But when there is a dispute over ownership between two writer-members, the association goes by the date on which one had registered his work to support his case, he said.

'As far as I know, the Film Writers Guild (FWG) of Hollywood also follows the same procedure to prove ownership rights over intellectual property,' Hussain added.

According to him, no Indian court has so far challenged the FWA registration and in many cases, courts have accepted the same as evidence to prove the point of the defendants.

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