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PROTECTION OF BROADCASTING RIGHTS UNDER INTELLECTUAL PROPERTY LAW IN INDIA *

INTRODUCTION

Genuinely when we view a cricket match in a gallery or a live concert of any celebrity in a programme or even listen to unplugged sound recordings of any singer, we just take up the leisure of the subject that is displayed. Most of us or perhaps very seldom people know that these programmes or matches that we view can also be infringed or forged technically and sold off into piracy marketing. For these variant issues, the Government has taken up a bold step and provided protection to the Broadcasting Channels and the broadcaster who has been infringed under the Copyright Act. To speak in a broader sense, the broadcasting rights were totally unrecognizable or perhaps kept as a diminished part of protection under the laws. It could be understood that these laws did not show any vibrant existence until 1994. Making them legal was a strong prospective as there was no such regulations that barred the usage of broadcasted elements and hence, it termed a leniency of infringing the original broadcasters work, violating his authenticity. A performer who worked hard on his piece of innovation was left to regardless loss of his capacity to create a masterpiece for himself upon his own name that has been put up on the television for visualizing.

The Copyright Act has amended the old law and replaced a new law in favor of the Broadcasting Category. It has been incorporated in the Intellectual Property Law which provides protection of Broadcaster and the Programmes which would not amount to infringement of broadcasting rights under Article 37 and 39 of the Copyright (Amendment) Act, 1994 respectively.

Meaning of Broadcasting Rights

The term Broadcasting is in itself a wider term. It is the most essential part of running communication across the billions of Indian Crowd. With the growth of technology and science, the advent of telecommunications, broadcasting and multimedia started to evolve and gradually started to reach the Zenith of the public at large. It seems that it is an inevitable source of dissemination of entertainment to the developing countries and also a quicker method of delivering information. The entire scenario changed after the amendment of Section 37 and 39 of the Copyright Act 1957, which took into consideration the ailments of the Broadcasters in a huge and larger frame.

The Copyright (Amendment) Act, 1994 hasn't mentioned or defined Broadcasting Rights anywhere in the Act but it sure did define 'Broadcast' and 'Communication to the Public' in sheer sense. Section 2 of the Copyright Act states[1]:

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2(dd) "broadcast" means communication to the public —

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

(ii) By wire, and includes a re-broadcast;"

"2(ff) "communication to the public" means making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available.

Explanation. — For the purposes of this clause, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public;"

While discussing about Broadcasting Rights, it is equally important to know what are these rights and how did these bundle of rights came into existence. Actually in the clearest sense 'Broadcasting Rights' are those rights which have been duly conferred to Broadcasting Organizations such as the Television , Radio or other telecasting programmes known as 'Rights of Broadcasting Organizations'. Section 37 of the Act significantly provides every broadcasting organization with such rights in respect to their broadcasts.

It can limit infringement[2] against:

- Re-broadcasting the broadcasts.
- Causing the broadcast can be heard or seen by the public to be heard or seen by the public on payment of any charges.
- Making any sound recording or video recording of the broadcast.
- Making any reproduction of such sound recording or video recording where such initial recording was done without license or where it was licensed for any such purpose not envisaged by such license.
- Selling or hiring to the public or offering for sale or hire, any such sound recording or visual recording of the broadcasts.

The total term of this bundle of rights shall be of Twenty-five years from the day of commencement of the broadcast and during the subsistent period, if anyone without the prior consent of the owner or license uses them,it amount to an infringement of these rights. To add up furthermore, the Information Technology Act[3] under Section 43, states that a person would be liable to pay Rupees 1 crore as compensation for unauthorized downloading.

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[1] Wadhera B L, , (2007), *Law Relating to Intellectual Property- Patents, Trade Marks, Copyrights, Designs, Geographical Indications, Semiconductor Integrated Circuits Layout- Design, Protection of Plans Varieties and Farmers' Rights, TRIPS.* , 4th Edn., (Paperback), Universal Law Publishing.p-415.

[2] *Ibid.*

[3] The Information Technology Act 2002.

According to World Intellectual Property Organization (WIPO)[4], a broadcaster's rights are assembled as:

- Safeguard costly investments in televising sporting events
- Recognize and reward the entrepreneurial efforts of broadcasting organizations
- Recognize and reward their contribution to diffusion of information and culture

Simultaneously, there is an incorporation of the performer's right which is provided under Section 38 of the Copyright (Amendment) Act, 1994 which protects the rights of the performers like actors, musicians, dancers, jugglers, acrobats, etc. and these are duly called the Performer's Rights.

International Perspective

As the rage for competition is increasing between the Private Sector especially the Multi National Corporation , the government is deemed to provide protection to those who are more into the international regime of broadcasting .In the present scenario, the protection are only available to those who are collected under the transmissions made through Satellites (wireless networks) . They are conveniently protected from signal thefts or signal breakages caused due to interruption of an illegal or unauthorized body. The first International convention on the Broadcasting Rights which protects these rights is the **Rome convention 1961,**[5] it established that broadcasters have the right to prohibit but not to 'authorize' the fixation, reproduction of fixation, and the re-broadcasting by wireless means of broadcasts. It also stated that the broadcasters have this right for 20 years from the day of broadcasting. Then came the **Brussels Satellite Convention 1974**[6]. The Brussels Convention related to the Distribution of Programme, protects broadcasters' rights by allowing members to prevent dissemination of programme-carrying signals by any distributor for whom the signals are not intended. The duration is to be decided by national law. After that arrived the **TRIPs Agreement, 1994**[7] , provides broadcasting organizations have the right to control the fixation, reproduction, wireless re-broadcasting and communication to the public of broadcasts . The two recent treaties were the **WIPO Performers and Phonograms Treaty (WPPT), 1996**[8] **,** provided equitable remuneration for wireless broadcasting or for any communication to the public of phonograms and **WIPO Copyright Treaty (WCT) 1996.**

In *Red Lion Broadcasting Co.* v. *Federal Communications Commission*[9]**,** the Supreme Court of United States held that it is constitutional to obligate radios' licensees to provide time and attention to matters of public concern. The Fairness Doctrine simply enforces the obligation to the community that is owed by one who is granted a license for a limited publicly beneficial property.

[4] Broadcasting & Media Rights in Sport, Retrieved from http://www.wipo.int/ip-sport/en/broadcasting.html (accessed on 4th September,2014)

[5] Girish Kumar R, Relfi Paul, "Rights of Broadcasting Organizations: Do We Need Legal Reform?", Indian Journal of Intellectual Property Law, No.5, 2009, p.7

[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] 395. US 367 (1969);

Similarly, in *Green* v. *Broadcasting Corporation of New Zealand*[10], where presenter Hughie Green lost a Privy Council decision when he sought to establish a format right to his programme concept, Opportunity Knocks. Simply speaking, the Law Lords who made up the Court reaffirmed the general principle in UK law that – on the facts of this case – there could be no copyright in an idea, and they established that there could be no copyright in the format of this game-show.

In *Informationsverein Lentia and others* v. *Austria*[11]**,** The European Court of Human Rights has frequently stressed… "the fundamental role of freedom of expression in a democratic society, in particular where, through the press, it serves to impart information and ideas of general interest, which the public is moreover entitled to receive. Such an undertaking cannot be successfully accomplished unless it is grounded in the principle of pluralism, of which the State is the ultimate guarantor."

In 1998, WIPO showed concerns toward the subject of updating the protection of the broadcasting organizations over signal thefts, particularly in the digital environment. It concentrated on proposing upon "right's based" Treaty, would provide a new interface towards the Intellectual Property Rights by inserting right to broadcast signals. It is so because signal piracy not only disrupts or threatens the revenues of sales and advertising of broadcasters who have paid up upon the exclusive rights of the show's live coverage especially sports events but also proves a risk of reluctantly reducing the values of these rights and the revenue and expenditure of the sports organizations. The indigenous laws of the State provides with the option of tackling such menace by shutting down illegal websites, but despite such efforts these broadcasting organizations are keen to gear up protection at the international level.[12]

The International Copyright Order, 1999 under Clause (4) has strictly referred to Para 3 of the Act and established that the provisions of Chapter VIII of the Act shall apply to a Broadcasting Organization and a performer in a World Trade Organization Country mentioned in Part VI of the Schedule[13].

The Recommendation (20th December,2000)[14] of 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. But even when a government approaches this task in good faith, fear of losing a license can induce broadcasters to practice self-censorship and toe the official line. As one observer noted wryly, "So long as the [government] can determine which individuals shall be endowed with larynxes, it does not need additional power to determine what shall be said."

The right to broadcast sports events is granted usually for a given territory, per country, on an exclusive basis. Broadcasters consider exclusivity necessary in order to guarantee the value of a given sports program. The value consideration is in terms of the number of viewers and the amount of advertising dollars an event attracts.The international sphere is reluctant to provide as much as possible protection to the broadcasting panel so that the rights don't get misused.

[10] (1989)RPC 700 PC.

[11] 28 October 1993, Application No. 13914/88 (European Court of Human Rights).

[12] Viviana Munoz and Andrew Chege, 'The proposed WIPO Ttreaty on the Protection of Broadcasting Organization: Are New Rights Warranted and will Developing Countries Benefit', SOUTH CENTRE, Sep. 3,2006.

[13] *Ibid.*

[14] Recommendation (2000)23 of the Committee of Ministers to Member States on the Independence and Functions of Regulatory Authorities for the Broadcasting Sector, 20 December 2000.WIPO.

The International Olympic Committee established the Olympic Broadcasting Services in the year 2001 in order to regulate and authenticate every broadcasting of an Olympic game held around the year. Recently, The IOC awarded the Japan Consortium the broadcast rights in Japan for the Olympic Winter Games 2014 in Sochi and the Olympic Games 2016 in Rio de Janeiro. The Japan Consortium, which includes NHK and the National Association of Commercial Broadcasters of Japan, has acquired the broadcast rights across all media platforms, including free-to-air television, subscription television, internet and mobile.

Constitutional Perspectives of the Broadcasting Rights

India is the Third largest broadcasting market in the global field and it indeed covers a huge space for social media so the aspect of it leads to greater expectations of converging a large segment of people towards it. The media, through broadcasting, plays a pivotal role as well as a fundamental basic in providing information, small or large and knowledge to all section of people. It acts as a powerful sector of imposing influence into the society at large. With the latest growth in technological diversity, it can provide live telecasts, delayed telecasts, highlights of an event or even the video and audio clips in respect to such events. So basically, if all such segments are being telecasted then the questions of origin, ownership, sale and acquisition are not beyond legal perspectives. The important legal regulations for protection of broadcasting media are as follows:[15]

1. Indian Telegraph Act, 1885.

2. Copyright Act, 1957.

3. Prasar Bharati Act, 1990.

4. Cable Television Network Act, 1995.

5. Information Technology Act, 2000.

6. Sports Broadcasting Signal Ordinance, 2007.

Concentrating on the framework of the Constitutional law in India, the power and privilege of media is given under Article 19 (1) (a) of the Constitution which states the 'Freedom of Speech and Expression'. In Historic Judgment of,*The Secretary, Ministry of I & B* v. *Cricket Association of Bengal (CAB)*[16], the Supreme Court has considerably widened the scope and extent of the freedom of speech and expression and held that the Government has no monopoly on the electronic media and a citizen has, Article 19 (1) (a), a right to telecast and broadcast to the viewers/listeners through electronic media – Television and Radio or any important event. The Government can impose restrictions on such a right only on the grounds specified in Clause (2) of Art. 19 and not on any other ground. State monopoly on electronic media is not mentioned in Clause (2) of Art. 19. The Court directed the Government to set up an independent autonomous broadcasting authority which will free Doordarshan and Akashvani from the shackles of Government control and ensure conditions in which the freedom of speech and expression can be meaningful and effectively enjoyed by one and all. Justice Reddy in his concurring judgment suggested that suitable amendments should be made to the Indian Telegraph Act keeping in view of modern technological developments in the field of information and technology. Referring to the Prasar Bharati Broadcasting Corporation of India Act, 1990, the Judge said that it could notbe brought to force because the Governments did not choose to issue a notification for its enforcement."

[15] *Supra*, Note 5.

[16] (1995) 2 S. C.C.161, 224, 27

The Supreme Court also gave the decision[17]"the right to freedom of speech and expression also includes the right to educate, to inform and to entertain and also the right to be educated, informed and entertained."The Court clarified, "Merely because an organization may earn profit from an activity whose character is predominantly covered by Article 19(1)(a), it would not convert the activity into one involving Article 19(1) (g) (business, in which monopolies are not unconstitutional)."

Broadcasting Rights in India under Intellectual Property Law

A number of conventions have been responsible for the protection of the Broadcasting Rights in India. If we track back to the history of India, the British Government has passed and enumerated a legislation engaging the broadcasters a monopoly over the communications and broadcasting under the Indian Telegraph Act, 1885. In original sense, the Indian Copyright Act of 1914 and 1957 were a revised on the British Copyright Act of 1911 and 1956 and due to the expansion in the usage of new technological advent and various international conventions and legal frameworks it became a mandate to amend the copyright laws. At that time, the rights of broadcasting organizations were not inclusive under the Copyright Act of 1957, but later in 1994, the amendment brought the broadcasting rights into light.

Section 37 of The Copyright (Amendment) Act, 2004 provides "Broadcast reproduction right" It says:

(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 licence of the owner of the right to utilise 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 Act[18] puts a slight leniency to the Act. The Copyright (Amendment) Act, 1994 has recognized certain acts which do not cause any kind of infringement upon the broadcasting reproduction rights. They are:

[17] *Ibid.*

[18] The Copyright (Amendment) Act, 1994.

- Making of any sound or video recording for private purpose or for bonafide teaching or research; or
- Use consistent with fair dealing of excerpts of broadcast in reporting a current event or for a bonafide review, teaching or research; or
- Any such act with necessary adaptations and modifications which do not constitute infringement of copyright under Section 52 of the Act[19].

The exceptions are hereby provided so that a person who is doing a broadcast on his own risk and which is good for public at large would be considered as a good cause for the society. These types of broadcasting events are also considerable for a research or to enhance knowledge for a particular subject.

The Copyright (Amendment) Act, 1999 has incorporated Section 40A along with Section 40 and provided power to the Central Government to application of Chapter VIII to Broadcasting Organizations in certain other countries as well. The Section[20] says that:

1. If the Central Government is satisfied that a foreign country with which India is in a binding Treaty or is a party to a particular Convention relating to Broadcasting Organizations has made or undertaken or as such the Central Government thinks to expedient to require protection in that foreign country as permissible under the Act, then it may , by order publish an Official Gazette under which the provisions of Chapter VIII would apply as –

    a. To broadcasting organizations whose headquarters are situated in a country to which the order relates or the broadcast was transmitted from a transmitter situated in the country to which the order relates thought the headquarter is situated in India or has been made and broadcasted from India; or
    b. To performances that have taken place outside India to which the order relates in a manner as if it took place in India; or
    c. To performances that are incorporated in the form of sound recording published in a country where the order relates and it were seem to publish in India; or
    d. To performances that are not fixed of a sound recording broadcast by a broadcasting organization whose are situated in a country to which the order relates or the broadcast was transmitted from a transmitter situated in the country to which the order relates thought the headquarter is situated in India or has been made and broadcasted from India.

2. Every order made under sub-section (1)[21] may provide that:

    a. The provisions stated under Chapter VIII shall apply either generally or in relation to such class or classes of broadcasts as may be specified in the order.
    b. The terms of the copyrights of broadcasting organizations in India shall not exit such term as is conferred by the law pertaining to such order.
    c. The enjoyment of these rights under Chapter VIII would subject to accomplishment of such conditions or formalities, if any, as the order specifies.
    d. Chapter VIII or any part thereof shall not apply to broadcasts before the commencement of the order.
    e. In case of ownership of rights of broadcasting organizations, the provisions laid down in Chapter VIII shall apply with such exceptions and modifications as per

[19] *Ibid.*

[20] Section 40, The Copyright (Amendment) Act, 1999.

[21] Ibid.

the Central Government having regard to the laws available in the foreign country.

Similarly, under Section 42A, the Copyright (Amendment) Act, 1999 has strictly ascertained that the Central Government has the power to restrict rights of foreign broadcasting organizations if it thinks that a foreign country hasn't provided adequate protection of rights to a broadcasting organization or the citizens of such country are not incorporated or domiciled in India under such provision.

Statutory License Introduced by 2012 Amendments

Section 31 D introduced by the Copyright (Amendment) Act, 2012 grants a statutory license to broadcasting organisations desirous of broadcasting already 'published' literary or musical works and sound recordings. The broadcasting organisation shall give prior notice to the right holders and pay royalty at the rates fixed by the Copyright Board. The names of authors and performers shall be announced during the broadcast. The broadcasting organisation shall maintain all records of the broadcast, books of account and render them to the owner. Before the introduction of Section 31D, access to copyright works by broadcasters was dependent on voluntary licensing. As a result, unreasonable terms and conditions were being imposed by the copyright owners and societies[22]. The sole purpose of this section seems to be to allow the broadcasting organisations to synchronize musical works with their visual broadcasts. For example, TV serials can now use film songs in synchronization with their visuals.Visual works have been excluded from this section. So it is unclear how licensing will work for broadcasting of film clips or visuals. Also this amendment does not clarify whether a broadcast of a literary or musical work is itself a published work. Going by definition a broadcast can be considered a 'published work' as it is communicated to the public by means other than by issuing copies. But this stands in contradiction to the exclusive reproduction rights given to broadcasting organisations giving rise to ambiguity.

Trends In Protection Of Broadcasting Rights

The protection of Broadcasting Rights are molding up a fundamental shape since the late 90's. It began with the demand for protecting the authenticity of a particular broadcast of an event that made its ability to shape up or incorporate itself into a self-made law.

In India, this trending began with the landmark case of, *The Secretary, Ministry of I & B* v. *Cricket Association of Bengal (CAB)*[23]**,** where the Supreme Court has considerably widened the scope and extent of the freedom of speech and expression and held that the Government has no monopoly on the electronic media and a citizen has, Article 19 (1) (a), a right to telecast and broadcast to the viewers/listeners through electronic media – Television and Radio or any important event.

After the judgment of Bengal Association, follows up the *Union of India* v. *Motion Picture Association*[24]**,** the Supreme Court finds precedent in reasoning the mandatory sharing and broadcasting telecasts in social interest and lays down that educational and scientific films ought to be aired in public interest.

[22] Zakir Thomas, "Overview of Changes to the Indian Copyright Law", Journal of Intellectual Property Rights, Vol. 17, July 2012, pp. 324-334

[23](1995) 2 S.C.C.161, 224, 27.

[24] AIR 1999 SC 2334

Then came the *Ten Sports* v. *Citizen Consumer and Civic Action Group*[25]**,** the Supreme Court granted the First open-ended Anton Pillar in a legal row over the TV broadcasting rights of the India-Pakistan cricket match . Upon this controversy , provided mandatory "must carry" provisions and introduced via legislation it shall be a strict mandate that Sports Signals ought to be shared freely to maximal population in keeping with judicially acknowledged social needs incorporating the Right to Entertainment and Human development.

In 2005, another case made a landmark impact on the broadcasting industry. The *M/S Zee Telefilms and others* v. *Union of India*[26]**,** the Supreme Court by 3:2 bench said that since the BCCI is a non-autonomous statutory body , it would not be subjected to the 'deep and pervasive' control of the government. Similarly, a writ petition for the same was filed under Article 32 which was later dismissed by the Court as 'not maintainable' against BCCI.

In *Prasar Bharati* v.*Sahara TV Network Pvt. Ltd. and Ors.*[27], the Delhi High Court held that a news channel cannot be compared on the same platform as of a commercial channel it has to be ascertained that it is regulated on the same clauses as those given for Prasar Bharti except for the case that the maximum cap-limit of two minutes shall be extended to seven minutes in 24 hours. Besides that, it was further taken into consideration that they shall be given exclusively for cricket news without commencing any commercial programme or advertisements, during or after the cricket news. Anyhow, they are at the liberty to show any important news or events occurring during that period as well.

The very same year Doordarshan (DD) collaborated with the Ministry of I&B and passed an ordinance called the Broadcasting Signals Ordinance, 2007[28], which would mandate the private channels to telecast the live feed of every cricket match with Doordarshan, but on another point, the broadcasting channels have secured their rights of telecasting those matches.

The next controversial scenario took place between Nimbus[29] and DD. It was when Nimbus filed a petition in the Delhi High Court in securing its footage of the Second ODI between West Indies and India for as to its exclusive rights were concerned .But the Delhi High Court had set aside the petition allowing DD and its DTH service to use the feed and telecast it from Nimbus as the craze of cricket matches by the common people are well understood by the judiciary and hence it did not want to deprive those masses who are eager to watch those matches so it basically ordered the DD to telecast such feed without any hesitation. The judiciary and government always impose a compulsion upon the private channels to share their footages with DD.

The Beijing Olympics[30] was sort of contrary to the other cases discussed above. Here, DD filed a petition in front of the Delhi High Court against the private channels for using unauthorized transmission of the Beijing Olympics which was an exclusive right of the DD. Prasar Bharati had obtained an order for the same to barring of the telecast to all private channels as DD had paid a sum of $3 million to the Beijing Olympic Organizers and that such illegal transmission was damaging their commercial interests. They preferred that the private channels would be allowed to telecast the event only after getting into an agreement with the Prasar Bharati and the Beijing Olympic Organizers.

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[25] (2004) 5 S.C.C 351)

[26] AIR 2005 SC 2677.

[27] (2006) 32 PTC 779.

[28] *Supra*, Note 5.

[29] *Ibid.*

[30] Krishnadas Rajagopal, Olympics Telecast: Prasar Bharati goes to Court, "THE INDIAN EXPRESS", Aug. 23,2008

Need of Reform

As per we have analyzed the laws regarding broadcasting, it can be seen that despite the Copyright (Amendment) Act, 1994 has given a position to the Broadcasters to protect themselves from infringement, it is not able to handle the technological advancements. The more the technology is increasing, the more is threat to infringement. The government is trying its best to provide an upper level protection to these broadcasters yet they are unable to implement or draft those laws which are well equipped to provide the maximum protection. The incorporation of the Sections 40A and 42A have provided a certain limit of adequacy but there is no remedy for trans-border infringement of copyright. So the Government should come up with better ideas of giving the broadcasters a significant recognition besides those mentioned in Section 37 and also bring up better methods to diminish the controversies of infringement in the global arena. Another statement made by Legislative would have been the proposed Broadcast Services Regulation Bill of 2007 which was an attempt to facilitate and develop the carriage and content of broadcasting in an orderly manner. The Bill is pending until now.

Conclusion

The rights given to broadcasting organisations in India are actually in mere consonance with international treaties and conventions which provide for exclusive rights based approach. Indian law, right from amendments in 1994 to 2012, in this regard has been particularly modelled on the principles laid down by the Rome Convention 1961and TRIPs Agreement 1994[31]. Developing countries like India and activists supporting access to knowledge have been pushing harder for a signal- based protection of broadcasting organisations. The criticism of a signal-based approach is that the rights of the broadcasters would extinguish the moment the broadcast is made and the signal thereafter ceases to exist. However, the authors here want to put forth that it is essential, especially in developing countries like India, to take a liberal approach towards access to information and that signal based approach is the right one[32].

The insertion of new laws have brought a major change in the scenario of Copyright and hence, have been able to give a certain amount of privilege to the Broadcasting Organizations yet, these laws are incapable of giving the maximized level of protection due to a number of loopholes as in the aftermath of the inclusion of these laws the Supreme Court and the other Courts had to pass many judgments to reduce the controversial streak that has arose overtime. Right after the Copyright (Amendment) Act, 1994 was passed the first in line arrived the *Secretary, Ministry of I & B v. Cricket Association of Bengal (CAB)*[33]**,** which had made a magnanimous constitutional change in the history of Broadcasting. It was a positive approach. But later on, a series of judgment had reduced the scope of this act due to disputes over transmission and ownership. Hence, the best way to provide an impact emphasis to a stronger set of law is to induce the legislative to come up with more comprehensive laws which gives the utmost security and protection to the Broadcasting area.

[31] Divyanshu Sehgal and Siddharth Mathur, " Rights and Duties of Broadcasting Organizations: Analysis of the WIPO Treaty on the Protection of Broadcasting Organizations",Journal of Intellectual Property Rights, Vol.16, September 2011, pp. 402-408.

[32] *Ibid.*

[33] *Supra,* Note 16.