
The book, Copyright and Popular Media- Liberal Villains and Technological Change, examines developments in the popular media and copyright focusing mainly on the challenging fields like piracy and illegal consumption. The book provides innovative answers to the difficult questions of copyright and digital media piracy from the social science perspective and copyright law.

The book divided into three parts has nine chapters in total. The chapter one examines the governance of copyright and creation of globalized and consolidated popular media industry. The second chapter discusses in detail about the international copyright governance and the manner in which popular media industries are controlled and supervised. This chapter actually examines how copyright in the popular media became politicized and how laws were created to protect and preserve corporate interests in the West. Modern copyright laws protect the legal position of corporate-controlled media but simultaneously limiting opportunities for users of the Internet and information technology who may wish to derive full benefits of technological developments.

The third chapter analyses the corporate control of popular media (and culture) and the manner in which popular media products are presented to the consumers. It further argues that popular media industries exhibit natural monopoly characteristics as they are in conflict with the concepts of social interest. As these industries exhibit temporary monopoly characteristics, they are at odds with the natural rules of economics. But when popular media corporations merge and become more centralized, the impact is twofold: cultural control of the commodities and capacity to exploit these commodities in the future.

Chapter four analyses non-organizational and reorganizational effects being experienced at present in popular media industries which are materially reliant on the maintenance and preservation of copyright on the one hand, but have become increasingly reliant on emerging but externally dominant technologies located in the telecommunications and Internet arena. Analysis in this chapter is actually limited to copyright legislation in the West and the respective digital agendas and telecommunication laws in those jurisdictions.

The fifth chapter mainly covers recent developments in innovation and format change in the digital era. It gives a historic account of the liberal attitudes to illegal access via Internet. The main focus is the rise of digitization and in particular, universal accessibility to replicating devices. Media piracy is no longer about multiple copying; it is actually a social form of networking where the primary object is to make things available online.

The sixth chapter discusses multidimensional corporate response to media piracy. This chapter specifically explores the intersection between law enforcement, technology, copyright infringement, symbiotic relationship between pirates and consumers, and the profiling of consumers as criminals or, at the very least, civil wrongdoers and moral derelicts. It aims to assess the implications of the corporate response to media piracy in the light of a convergence of consumption.

The seventh chapter examines the relationship between western consumers and emerging economies in the light of moral and altruistic considerations. It also analyses the inherent structural weaknesses that preclude a substantive governance framework in emerging/developing nations and lead to a façade of regulation.

Part III which has two chapters focuses mainly on cultural convergence matters, such as the mode of consumption and its effect on copyright policy. Chapter eight introduces a parallel theme to the debate by suggesting that genuine consumer discontent is also inextricably linked to modern illegitimate consumption. It explores whether there is any nexus between P2P sharing, social networking and a genuine lack of consumer interest in the manner in which popular media is offered by the major players.
The chapter nine which is the conclusion of all the chapters suggests that popular media corporations must now compete in a decentralized entertainment arena which means a direct interaction with software, telecommunications and other allied external industries.

This book is a good study material for those interested in exploring the unresolved issues concerned with media piracy and consumption.


Copyright law which is one of the most complex areas of intellectual property law providing protection to authors and producers at the national level, has expanded to become a semi-harmonised body of law with international reach. The digital technology and globalization have only added to the complexity in the copyright law in the recent years.

The book, *International Copyright Law: A Practical Global Guide*, features contributions by leading copyright practitioners in their respective jurisdictions. It gives a comparative account of key copyright concepts across 40 jurisdictions so that the readers can best understand how copyright and its fundamentals can be approached around the world.

The book will be a very useful guide for those individuals in multinational companies and lawyers in private practice who deal with copyright works such as publications, music and films in knowing their rights under copyright law in all the main markets in the world.

Madhu Sahni
Editor, JIPR


*Intellectual Property Rights: Infringement and Remedies* can be considered an academic textbook with special focus on remedies, primarly injunctions, as the name suggests. But what sets it apart from ‘regular’ academic textbooks on intellectual property (IP) is the strong thrust on practical aspects of IP and the way it is played out in Court.

The chapter scheme is distinctive, with six main parts, namely - Nature and Scope of Injunctions, Infringement of Trade Marks and Injunctive Relief, Infringement of Copyright and Injunctive Relief, Infringement of Patents and Injunctive Relief, Design Piracy and Injunctive relief and Common Law Rights and Injunctive Relief. A single common factor among all these chapters is ‘Injunctive Relief,’ which is crux of the book. Ten appendices also adorn the book.

The book makes a compelling case for intellectual property rights (IPR) and injunctions. While this is a relatively nascent area of law in India, the exhaustive repertoire of cases referred to, belies this belief. In addition to the thoroughness of case law references, also commendable is the lucidity of analysis.

The first chapter is an introductory section which lays the groundwork for a contextual understanding of specific IPR. It takes the reader through the basics of injunctions under the Indian framework which is rooted in common law.

The triumph of this book lies in the details. In the trademark chapter for instance, the crucial difference between passing off and infringement is extremely well handled, as is the distinction in terms of ‘onus’ and ‘evidentiary value’.

In the copyright chapter, a separate section on the comparative perspective in the United Kingdom and the United States assists in understanding the roots of Indian system and in assessing the best practices. The author goes into sufficient detail explaining the various tests applied by the foreign courts and also outlines the standard of proof and the basic criteria for the grant or rejection of preliminary injunction. These tests are also analysed in juxtaposition with the Indian scenario. Impact of the recent 2012 Amendment on the Copyright Act has also been sufficiently analysed.

The chapter on patents traces the patentability requirements and lays down the *locus classicus* for novelty, non-obviousness and utility. It also outlines the current positions of law in the foreign jurisdictions along with exclusions and limitations to patentability.

The design chapter deals with various aspects of registration of designs and the different tests employed to detect the novelty and originality requirements. It also analyses the scope and object of the current Designs Act, 2000 and discusses the meaning and definition of design and article, the two core concepts of design law.
The final chapter is an IP related potpourri of legal concepts such as passing off, confidentiality and the modern version of trade secret, all that could be brought within the ambit of economic torts.

The author’s neutral standpoint (or fence sitting, in the words of the author himself) proves to be a successful strategy. His neutral stance however does not degenerate into uncritical acceptance. For instance, when there are errors apparent on the face of record, the author has not shied away from criticizing the ruling and respecting the doctrine of separation of powers, has suggested suitable legislative intervention when required.

Statutory provisions and case laws excerpted within the primary text of the book apart from the appendices serve as a ready reference which although tedious at times, operate to achieve perfect clarity in the matter under discussion. The inclusion of Indian legislative history lends good perspective to begin with in every chapter. The inclusion of draft prayers in all chapters also enhances the strength of the book.

Overall, the book is well organized and lucidly written, the chapter scheme allows the reader to compartmentalize different kinds of IPR and deal with them separately. It also does not target any specific kind of audience and would serve experienced practitioners just as well as it would serve a novice. The analysis of judgments is accurate and concise and the attention to detail reflects easily in the general tone and tenor of the book.

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