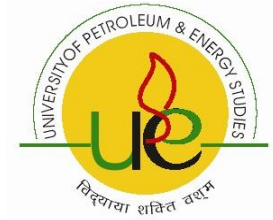


**ANALYSIS OF RSS FEED: COMPARISON OF INDIA AND UNITED STATES WITH
RESPECT TO COPYRIGHT LAWS**

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SUMMARY

Change is the law of nature. The cave age to the information age, man has in fact travelled a long trip. There has been a sea change in the face of life over generations. However, the rate of change has been never-before-seen. (related to computers and science) (times of moving ahead or up) have brought this generation to a situation where everything is moving at a fast speed. There is no time for satisfaction (while ignoring threats) and we hardly get any time to take some time off and breathe! Unless we change to fit the changes around us, we are bound to die/go bad beneath this green plants of information technology age which is getting on top of/winning up on us. Changing technology is driving the next wave of money-based growth. Internet has come out as a worldwide support which drives worldwide money-based development. Internet provides new trademark and calling/labeling opportunities for conducting business around the world and making it (easy to get to, use, or understand) to the people (who use a product or service) world-wide at low priced price. At the same time, it has also created new opportunities for different kinds of thinking-related Property Rights (IPR) violation, arguments; computer offences etc. Now days so much of the web is built around grouping -- gathering together interesting and useful things from around the Internet and critically carefully studying the copyright laws with respect to United States and India. It's the foundation of (writing on a shared online page) and social media. But it's also the subject of much legal debate, especially among the news organizations whose material is often what's being gathered and presented.

During the past ten years, the Internet has become an important news source for most Americans. According to a study done by the Church Benchmark Internet and American Life Project, as of January 2010, nearly

61 percent of Americans got at least some of their news online in a typical day. This increased reliance on the Internet as a source of news has (happened at the same time with making less and less money in the usual media and the closing of newsrooms in communities across the country. Some (people who give their opinions) look at this coming-together of events and strongly defend/strongly express that, in this case, relationship equals (when one thing definitely causes another) -- the Internet is harming the news business. Building a business model around making money from another website's content isn't novel, and methods for doing so have been around for almost as long as the Internet has been a commercial (raised, flat supporting surface). Consider the practice of framing, or placing (on top of) ads onto embedded websites. There's also inline linking, or including/combining content from many websites into one single third party site. These days, it's news aggregators that are creating a lot of close attention. But are they legal?

Talking India's growth in the internet space has been worthy of compliments. The increasing use of Information Technology (IT), however, brings with it new challenges and threats. Among the most significant is the security threat, including data theft, piracy, hacking, identity theft, violation of copyright/patent rights, etc. Given the commercial importance and (possible power or ability within/possibility of) IT in India, there is a need for special efforts to fight such illegal activities. In order to keep the legal government in power informed about this change in the (community of people/all good people in the world), the Indian Parliament went about legislating the Information Technology Act, 2000.

Internet has also made violation of IPR, in particular copying of Copyright material easy and simple. India has specific laws (and law making) to deal with different kinds of IPR violation however these laws (and law making) are not prepared to deal with some of the modern day copyright violations. The Copyright Act,

1957 prohibits reproduction of the copyrighted work in any material form including the storing of it in any medium by electronic means, by any unauthorized person but is knocked out/totally

disabled to deal with illegal (making copies of something/more than one person or company doing the same thing), importation, distribution and sale of stolen music as it becomes very hard to trace the location of information.

In this present picture/situation, where sharing of information among people has become the major function of the internet, the peer-to-peer file sharing services done by different websites, linking, deep linking, framing and other inventions of new things which have changed the way people share information over the world wide web, have given rise to a legal (argument-causing event/arguments between people). While the users downloading music, software, computer games and other copyrighted material are held responsible for direct copyright violation, the service providers go scot free as the existing Copyright Act has not put into operation for making a service provider responsible for damage in such a situation

In India the protection to computer software is received/made from out of two Acts, the Indian Copyright Act, 1957 and the IT Act, 2000. While the Copyright Act grants protection to the computer program as it is granted to other forms of copyrighted work, the (related to computers and science) and complex nature of the computer programs calls for technically effective protection. The Indian Copyright Act, 1957 gives/agrees a special status to computer software as compared to other forms of copyrighted work. The Copyright Act regards the computer programs as book-related/writing-related works and in addition to the general exclusive rights given to other book-related/writing-related works, it grants amazing/very unusual exclusive rights to the owners of the computer programs like right to sell or offer for sale, and the right to give on commercial rental or offer for commercial rental. The Act has also (given permission to not do something) computer programs from 'fair dealing exception' (i.e. private use for research, criticism or review of that work or any other work) which is available in case of other copyright works.

In US it is ruled

by federal law, namely the Copyright Act of 1976. The Copyright Act prevents the unauthorized copying of a work of authorship. However, only the copying of the work is prohibited-- anyone may copy the ideas contained within a work. For example, a copyright could cover a written description of a machine, but the actual machine itself is not covered. So, no one could copy the written description, while anyone could use the description to build the described machine.

This Long speech or story is a modest effort to provide an (understanding of deep things) to the major issues being faced in reference to legal effects/results/suggestions of RSS feed in India as well as United States.

Also tracing relationship between copyright and the internet, the legal nature, the problem of legalities in national and international governments in power and the increased scope of ever-new solutions in this direction. Since the coming of city-related/people-related, man has tried to experiment, to invent and to improve and to challenge the current situation, I'd like to quote Uncle Ben's (opinions about what could or should be done about a situation) to Peter Parker a.k.a Spiderman, "With great power comes great responsibility".

CHAPTER 1

INTRODUCTION

The current modern times have built a bornin habit/desire for dependence on technology, moreso, in formation technology for human activities. Hence it goes without saying that human beings have an edge over all forms of life on earth, as they have been given with the ability to think, create, carefully study, change a little and get better and act in the same way/in that way. They have finely spread the explanation of 'survival of the fittest' and hence have mastered the ability to (change to make better/change to fit new conditions) themselves under all facts or conditions (that surround

someone whether legally or illegally. Since forever, power has never been in the hands of a single individual or a group of people for long. The (community of people/all good people in the world), as it is in its nature, revolves around those who are the center of power.

The internet, the network of computer networks, provides the most efficient method of nearfast/on time exchange of information across the globe and the world literally changes into a worldwide village. Information Technology is assumed to be the largest contributor to the move/change of power in the hands of those possessing information. The information revolution has brought radical change in the (community of people/all good people in the world) and hurdles like distance and money are no longer interferences for (using/getting to) knowledge. Coming of the internet has enabled the weaker and the have-nots to reach for the opportunities, they never dreamed of. This statement can also be interpreted to mean the same for (people who commit crimes) at a different thinking level completely.

It has become the first safe place for anyone in search of information, ideas or simple contact with people on the same wavelength. There are one-of-a-kind opportunities which exist through social networking sites, (shared online writing pages), wikis and other communicating (nice things to have) for people to make certain or all information public about themselves, interchange and exchange ideas and share knowledge on every question under the sun.

Violation of copyright on the Internet has become a common important thing/big event. Violation neither can happen wilfully or through (the state of having no knowledge). In an able to be touched/real form, it is easy to decide/figure

out whether there has been violation of the author's rights or whether a 'copy' of the protected work has been. However, in case of RSS FEED copyright violation becomes a highly doubtful issue.

There is a close center between copyright/patent (IP) and the Internet and their coming together in the digital time in history is unavoidable. Gieschen Company that helps business's Report states that around 14% of (make fake money or goods) and piracy (acts of asking questions and trying to find the truth about something) that involve transactions are carried over the Internet.

Internet is home to different copyrighted content such as music files, videos, software, videogames, etc. A user of such content needs/demands no prior permission from the author and is not obligated to pay for any of the services got/helped; this is what makes the Internet perfect/extremely important.

With the coming of technology, modern forms of copyright/patent like Semi-Conductor Chips, Protection of Plant Varieties, Data Protection, Protection of (related to where mountains, rivers, cities, etc., are located) Indications, etc. came into being apart from Copyrights, Trademarks, Patents, etc. These rights are being (with great patience and care) protected by the different business kings generally. They consist of new ideas, original expressions, clear/separate names, and appearance that make products (like nothing else in the world) and valuable.

The copyright/patent community, which includes filmmakers, computer software developers, newspaper publishers, authors and publishers, has been exploring ways in which their products become available online while protecting their rights and investments.

Digitalization of works clearly showing/including copyright/patent, by going through a certain process and grouping them in bits and bytes that can travel over networks, enables copyright/patent to be moved (from one place to another) onto the Internet. It is guessed (a number) that more than 2 billion people are now proud internet users as given under.

Despite limits and faults/problems of the Internet's role with respect to copyright/patent, the number is constantly growing.

This way moving (from one place to another) of copyright/patent onto the Internet can be seen with respect to all kinds of rights. In the field of copyright, huge number of book-related, film and art, and especially/famously computer programmes, have already been moved (from

one place to another) to the digital (surrounding conditions). Software, protected as a form of copyright/patent by patent and copyright laws, underlies the operation of all digital technologies. System software, including utility and operating systems, enable our computers to operate, while utility software provides us with the programs that make the digital networks useful. A lot of software is protected by copyright/patent law, and its theft is (commonly found in that place).

Thinking-related Property is playing a very important role in the virtual world and in e-Commerce also. Music, Pictures, Photos, Software, Designs, Training Modules and systems, are products and services that are based on Thinking-related Property. There is a growing demand for e-Commerce. More and more people visit a large number of websites, now. Both trademark and patent systems have moved to the Internet.

The fear and

stress on the part of the creators and copyright/patent right holders to feel sure that they can protect their property from piracy must be appreciated. It is in this (way of seeing things / sensible view of what is and is not

important) that the international character of electronic commerce and the issues arising there under have to be viewed. It raises questions (related to/looking at/thinking about) the nature of traditional legal system including copyright/patent law, which are based on the idea of independent power (of a country) and land-basedity.

Some of the IPR issues which are faced in e-

Commerce are; domain names; protection of copyrights and related rights; patents and patentable subject matters; trademarks and unfair patents; online service providers' (something you owe/something you're responsible for/disadvantage) and (make fake money or goods) products, hyperlinking, music and soundvisual works, piracy and data protection issues.

Thinking-related Property (by itself/in and of

itself) has always existed, but was recognized only after people came to know of its importance once their copyright/patent rights were violated. With the coming of information technology especially, people started realizing the importance of protecting the different parts of information generally recognized as Thinking-related Property in Computers.

Copyright is the key issues of copyright/patent, which need to be tackled keeping in mind the (related to computers and science) progress of the last few

years. There has been a steady increase in matters related to copyright and trademark arguments in the field of computers. Every country is trying to resolve such arguments through its copyright/patent law/legal government in power. The world, -all of it-, is also working towards the formation of a promise/solution to deal with these legal arguments by beginning and building

on the International Model Laws and Panels. With the increase in such arguments, the States have come across (more than two, but not a lot of) (something that causes arguments between people) issues, which it has taken steps to resolve.

Although, hidden

traps still seem to exist as Courts are finding it challenging to decide arguments of copyrights in computers. Because of their (many different kinds of people or things) character, there are many (problems, delays, etc.) in protecting the (like nothing else in the world) features of the Internet and Computers within the existing framework of the legal government in power of copyright/patent laws. The framework of the Thinking-related Property laws is not (good) enough to cover the new parts

of Information Technology. Due to this shortage, Courts often have to depend on their own (understandings/ explanations) of existing laws to make them related to such arguments.

Focusing on RSS issue, which is commonly defined as really simple syndication. So, this means that any material contained in a feed is available for syndication, right? Well no, not exactly. It means that the content contained in an RSS feed is in a format that is syndication friendly, if the copyright holder allows for syndication. Offering a feed for syndication does not in fact grant any legal rights to anyone to reuse the feed's content beyond what the Copyright laws grant as Fair Use.

Most people publishing content via RSS support republication of feeds. Because the technology is fairly new, the laws and legalities are still dark and unclear. It is assumed that content in RSS is protected by copyright laws but let us not forget the Internet is worldwide and there is not a (controlled by one central place) body governing what is right or what is wrong. Not only does law and technology smash together the laws of different countries, those creating the feed and those displaying the contents of the feed may go against each other. It is for this reason, I would advise that publishers using RSS to assume that the contents of their RSS feeds will be syndicated and copied.

1.1 WHAT IS IPR?

"Property means the maximum right a man can have to everything, being that correct which one has to lands or very poor apartments/houses, goods or things nation own which does not depend on another's kindness/politeness: it includes ownership, huge houses and welfare in (relating to the human body/actual and real) things, and also rights such as trademarks, copyrights, patents and even privileges in personam capable of move (from one place to another) or transmission, such as (money owed); and shows/indicates a useful right to or a thing considered as having a money value, especially with reference to move about (from one place to another) or succession, and to their ability (to hold or do something) of being hurt". Chattels may be (relating to the human body/actual and real) or (related to things other than the physical existence of an actual body). (relating to the human body/actual and real) property exists in (cars, TVs, clothing, etc.) and is able to be touched/real in nature. It generally possesses physical existence. It can be seen and felt, e.g. land, goods, etc. (related to things other than the physical existence of an actual body) property on the other hand may exist in material or unimportant things and is unable to be touched in nature. It is generally abstract in character, and may not be visible, e.g. lease, slavery, (permissions for people to travel on secret land), patents, copyrights, trademarks, etc. Copyright, which comes up out of man's thinking ability, is not visible and is abstract in nature. It is (related to things other than the physical existence of an actual body) property, which can be valued equally with (relating to the human body/actual and real) property. Salmond has rightly said that:

"Unimportant product of a man's brain may be as valuable as his land or his goods. The law, therefore, gives him a private (or unique) right in it..."

The term 'intellectual property' has changed (and gotten better) from the terms industrial property. Industrial property includes patents, industrial designs and trademarks. The term 'industrial property' has been in use over a long period was used in the Paris Convention for the Protection of Industrial Property as far back as 1883. With the addition of new forms of trademark and copy right information, however, a need was felt to change the term. Copyrights have always been accepted as something connected with new and interesting ideas and thinking-related creativity. With the realization that Patents and Designs too owe their origin to the same source, (in other words) Thinking-related activity, the term, 'Intellectual Property' came to be recognized and (in other countries) accepted as including copyrights, designs, patents, trademarks, private information and kn

ow-how. Trademarks do now owe as much to man's thinking ability; they are however, included with designs, patents and copyrights because of almost the same basic idea. The rights granted to the owners of these forms of Thinking-related properties are specific and (able to be backed up with punishment if a rule is broken).

1.2 BASIC CONCEPT AND NATURE OF IP

Thinking-related House is usually a business important matter that provides a company along with competitive advantage over other folks. That generally consists of the particular protection under the law that be a consequence of Thinking-related activity throughout industrial, methodical, book-related/writing-related along with inspired areas. IP offers some features in keeping having private home. It truly is described as home simply because it might be (bought one thing for money), available, mortgaged as well as certified in a very considerably virtually the same trend to personal home. IP though is not able to be touched throughout character, because of identifying and defining it's bodily (features/ qualities/ traits) like a issues. The edges/borders in which IP is usually recognized are a lot more difficult to establish when compared with people who define title of capable to be touched/real home. IP is usually regardless one thing which can be possessed along with managed. Not only Law-related types of copyright/patent nevertheless actually widespread rules sorts happen to be recognized as producing a variety of home privileges.

The divisions of copyright/patent experience large modify while using the progress of new technology along with based on altering specifics as well as problems (that surround someone). There arise mostly several types of IP : patents, logos, copyrights along with types. Nonetheless, certain forms change/differ through land for you to land to match the particular progress of (how correct (or good), as well as just how wrong (or bad) one thing is) along with electricity of considering ability in that particular state. The definition of 'IP' describes an unfastened collection as well as several grouped legal ideas/beliefs that handle along with program the employment of diverse types of data. Legal issues of copyright defends initial types of appearance such as, books, shows, music compositions, personal computer plans, etc. Patent rules defends innovations such as models, functions along with procedures of manufacture such as X-ray mechanised gadget, etc. Brand rules defends words along with designs that identify for people (who use a merchandise as well as service)' distinct things along with solutions : brand names of cereal, clothes, autos, etc. Trade-secret rules defends data that firms manipulate nevertheless do not hide using their company competitors : soft-drink remedies, non-public advertising (success plans/ways of reaching goals), etc. The proper of (being brought up a great deal with TV SET, on the internet, etc.) defends well known people' passions in their impression along with recognize.

Individual issue of IP is quite large along with consists of book-related/writing-related along with inspired works, motion pictures, personal computer plans, innovations, types along with scars employed by investors with regards to things and services. The Conference outset along with creating about the Planet Thinking-related Property Organization (WIPO), ended/decided throughout Stockholm with July 15, 1967 [Article 2(viii)]_, delivers that "thinking-related home includes privileges relevant book-related/writing-related, inspired and scientific works, routines of carrying out artists, phonograms, along with broadcasts, innovations in all areas of people effort/try, methodical developments, industrial types, logos, support scars, along with business labels along with names/labels, defense against unfounded competitors, along with almost all other rights caused by thinking-related task throughout industrial, methodical, book-related/writing-related or inspired fields". IP can be over the counter entirely utilised (for profit) in a variety of sorts, this kind of as a result of assignment or licensing privileges for you to other folks effective at entirely applying (for profit) that, with a movie stars basis. We using this method find that online resources copyright/patent allows this kind of abuses/mistreatments mostly for money-based benefit.

It's related to the particular protection under the law linked to completely new along with interesting along with imaginative initiatives or commercial reputation along with goodwill. This particular rules handles crafting ideas along with words and phrases of the human head that contain business importance along with been given the particular legitimate defense of an home suitable. The key legitimate (machines/methods/ways) for guarding copyright/patent privileges are copyright, obvious, along with brand legislation. Copyright/patent privileges permit owners to make the decision exactly who may well access and utilize their home and also to defend that through unauthorized utilize. This way Copyright/patent rules is widely related to the particular protection under the law established as a result of that. Nonetheless, each suitable carries a two-way and related duty. Presently there are not one particular with no various other. Rights along with responsibilities have a clear/separate marriage and are also named legitimate correlatives. Hohfeld 1st laid straight down this explanation (of exactly why one thing works as well as transpires the way that does). The various rights concerning copyright/patent range from the directly to accomplish certain points for example producing replicates of a work of copyright, establishing an inspired work with public display, manufacturing solutions having the patented unit as well as mechanised gadget as well as working out the particular documented brand for money-based benefit.

The various correlative responsibilities of IP range from the duty possessed by all others never to violate on the rights of the proprietor and the duty of an individual (who is usually presented the particular privileges of another) to consider the permission of the proprietor just before transferring (from one particular spot for a another) his / her privileges of assignment for you to a third get together.

Over time the world offers noticed the particular expanding incredible importance of copyright/patent along with realised the need to shield the same through abuse/mistreatment by way of turning local community. The Regulations of (companies having a lot of power), 1624 was the first ever legislation (and rules making) with the creation of IP. It had been (did/done/put into law) throughout The UK to test the particular Crown's energy throughout approving Patent for trade. Today just about all nations have presented IP legislation.

The object of IP rules is always to secure makers along with producers of IP by approving all of them certain thorough privileges for you to minimize the employment of made of these stage shows.

Usually, nations frame their IP legislation to offer law-related appearance for the meaningful along with money-based privileges of owners throughout their inventions of completely new points along with privileges of the public throughout access to these innovations of completely new points, and to (help increase/show in a very good way), any cautiously designed act of Govt coverage, creativity and distribution close to along with program of its results and also to really encourage reasonable trading that would add/give for you to money-based along with social progress.

The planet of IP prior to the innovation of the physique out/calculate was complete along with easily traceable. With all the forthcoming of computers and the World-wide-web, the particular magnitude of/the range of copyright/patent offers greater throughout multiples. Oahu is the industry of copyright/patent, that's produced, in itself, an excessive modify having being received by view of computers. Also the particular element of computers is overloaded having nothing but mankind's considering ability.

The forthcoming of the World-wide-web offers produced the particular sharing of data easy. Persons is now able to share information swifter along with with a lot cheaper costs. In each and every aspect of technology, all of us find some of the crucial features of IP. In dealing with computers exclusively, all of us come across that computer plans are covered under the copyright type of IP. Trademarks are also connected while using the being received by view of computers. The (change with the greater, over time) of the World Broad Web, offers resulted in the particular registration of numerous websites, which can be a kind brand home. Trademarks along with copyrights using this method engage in an enormous part on earth of computers along with World-wide-web. The various completely new software's made by diverse software program developers are also covered since patentable innovations. This way all of us discover that IP is usually generally interwoven or interconnected using this completely new technologies.

We have now target diverse crucial privileges improved (and got better) through the business IPrights throughout computers.

Copyright/patent rights are (almost completely) money-

based in nature. They enable the ownerto restrict the manner and extent of the spreading around of his creations. In the field ofcomputers, there has been the coming into view of different general rights. We are in a time in history where a new method of communication has enabled people to exercise their freedom ofexpre ssion with the aid of new technology. The authors have this way made a general study ofdifferent IP rights like trademark, copyright, patents, etc. established wit h the coming into view ofthis new technology. The authors believe that copyright, trademark, patents, etc. established withthe coming into view of this new technology. The authors believe that copyright, trademark andpatents are three key legal ways of thinking/basic truths/rules revolving around computers. Forthe purpose of this long speech or story we will only focus on copyright.

COPYRIGHT

(more than two, but not a lot of) countries have changed their existing copyright law andincluded computer programs within its def inition of book-related/writing-related works. Manyhave assumed computer software to be writing and have this way protected them under theumbrella of copyright. In computer software ideas are expressed in the form of writing whichusually/mostly includes any form of note/way of writing or code, whether by hand or otherwiseand regardless the method by which, or medium in whi ch, it is expressed. Computer (computer files full of information) have also been accepted as book-related/writing-related works and arealso protected under the copyright laws of many countries. Apart from these tw o, there may alsoexist other book-related/writing-related and musical or artistic works on the Internet that can beprotected under copyright. Copyright i n computers mainly gives rise to two forms of rights:

- a)The money-based right (in other words) the right to control the copying of ideas expressedthrough computers.
- b)The moral right (in other words) the right to commercially fully use (for profit) one's own ideasexpressed through computers.

There are many complicated money-based, political, commercial and technical issues surrounding IP in computers.

Though, there exist the above talked about/said IP rights in computers, these do not permit others to do things which would violate the rights of the owners. With the coming into view of new technology in every aspect of commerce, the IP laws have been very much/very badly interfered with and made almost no longer useful/no longer used. People can now get information via the Internet without physically going and buying books, magazines or newspapers. They can now make online payments and get things online. There are also many materials available on the Internet, which any interested person can be read free of cost. The Internet brings freedom, and with that comes (responsibility/duty). It is an extremely valuable useful thing/valuable supply and by all means should be used for free discussions and information exchange, but not to violate the rights of others.

The information that is given on the Internet needs to be protected from abuse/mistreatment. We however find that, though in industrial property, patents and designs used to be a priority among the smart people of the world of computers, copyrights, trademark and patent are yet to be focussed upon.

All the countries, as well as international organizations, are trying very hard to simplify this issue in order to have a clean digital world in the legal sense, especially with respect to copyright/patent.

In respect of copyright, which is an old problem and has come out in a new combined form, all countries will have to update their existing copyright laws to cover the different new elements of computers and computer related works on the Internet, within their edges/borders. Apart from the protection given to the basics of computers like computer programs and computer (computer files full of information), countries should also provide within their (pertaining to each person or thing) laws, the rights relating to such basics/beginnings, which are different from general rights given to ordinary book-related/writing-related, artistic or musical works. The defences given in the usual copyright laws should be changed in such a way to cover the new elements stated. The domain names which are the same thing/sounding the same to IP addresses and which make up trademarks should also be given (done or used by many people) fixes (for diseases) in case of arguments.

CHAPTER 2

No words can better describe the present scenario of technology than the following stated by Cosmos- the villain in the movie "Sneakers".

"The world is not run by weapons any more, or energy or money. It is run by ones and zeroes – little bits of data. It is all electrons. There is a war out – a world war. It is not about who has the most bullets. It is about who controls the information. What we see and hear, how we work, what we think. It is all about information."

In the developed world, the present generation cannot imagine a life without Computers. Computers get associated with a person before his birth when CAT scanners detect birth defect or determine sex and remain associated for some time even after the death till insurance issues are settled. Computers have invaded every aspect of the life and the impact has been so swift and quick that it caught the law and justice institutions unawares. The new developments are posing challenges to the fundamental principles of law, which worked well before the advent of this technology. The problems have been compounded by the introduction of the Internet. There is already a debate whether entirely new laws should be framed or whether old laws may be effectively adopted to address these new issues.

In India, most of the laws are either of British origin or passed after the first three decades of Independence. During this period computers had not made much so much influence as we see it today and Internet, during this period simply did not exist. Most of the existing laws assume physical environment, geographical boundaries, tangible documents and records. As against this, in a digital world everything is recorded in digits, without any respect for political boundaries and can be modified, altered and replaced without a murmur.

Law cannot afford to remain oblivious of these developments and lose relevance. That will be simply to delay inevitable. Law has to cope with the upcoming new challenges and in the changing scenario, redefine the roles of individuals and groups, the relationship between the entities and inter se rights and obligations. The situation demands that there should be a concerted effort on the part of the lawyers, Judges and Legislatures to resolve the legal issue raised by the introduction of information technology. There is a genuine sense of feeling that the new world of digits demands training not only to the Bench and Bar but also to law enforcement agencies as new language has been introduced which has given new meaning to old words.

The administration of the Internet is not in the hands of any individual, be it government, corporation, university or NGO, firm, or a person. In literal terms it is like a net in which hundreds of thousands of separate operators of computers and computer networks use common data transfer protocol to exchange information with other computers. It goes like a chain in which one computer is connected with another. It is this series of linked networks each linking computers and computer networks that is commonly known today as "Internet". It has a quality of rapidly transmitting communication with an automatic facility to change the route where transmission is not possible due to damage or non-availability of links. Internet uses a language (common communication protocol) called the Internet Protocol (IP).

The information available at any link means information available to all connected with that link as there is no control unit or central storage location and it is not in the hands of any individual to control all the information available at Internet.

Internet including on line services, sometimes called as "new media" services is in many respects similar to the traditional media as it also includes production oriented material such as music, audio, video, graphics, text and games. It performs communication functions also like, messaging, conferencing, research and the conduct of commerce. However, it differs from the traditional media in two respects:

Firstly, Internet and online services are communicated through digits (commonly called digitized information). Digitization is the expression of the information in the computer known language called "binary" language. Just like any other language, (for instance, English language has 26 characters or numbering system has 10 characters), this binary language has two characters, i.e., "0" and "1". This is the only language which the computer knows and takes very little time to convert it into human readable alphabet, than it appears.

Secondly, these services are not one way but both ways, i.e., they are interactive. The user has a choice of the contents and time. He can also share his own information with other users depending upon the service which may be one-one-one, chat or group conferencing or real time basis.

General notion is that the Internet has brought us in the "third wave" society which is likely to make significant changes in the very foundation of our economy-an economy which was once agrarian in nature, then industrial, now in the progress of becoming primarily knowledge and information based.

Internet has offered tremendous information incentives to all and sundry in all walks of life. On line service can now be substituted for newspapers, books, magazines, catalogues, records, films, audio and video tapes, radio, television and telephone. This paperless communication evaluated in terms of cost benefit is also matchless as it reduces the expense of physical elements of other media, their distribution and display.

The promise and potential that the Internet offers can be well judged by its growth rate. However, the nature of the Internet is such that it is difficult if not impossible to determine its size in terms of its users in a given time. Currently worldwide, usage of the internet is estimated to be well above 2 billion.

Like other parts of the globe, Internet has been used in India also in government offices, educational institutions, business establishments, corporations and research centres. India has been recognized by the world community as possessing potential software developers. During the visit of Bill Clinton (Dec. 1999), the then President of America, urging India to foster a joint cooperation in the area of information technology, which was on the top of his agenda, and on open offer of jobs to 20, 000 Indian computer experts by the Foreign Affairs Minister of Germany during his visit to India (April, 2000), reflects the promise and potential which India is possessing in the information technology field.

While making the statement, after the Information Technology Act was passed in the Lok Sabha, the Parliamentary Affairs Minister made it public that the business worth Rs. 400 crores was transacted through the internet during 1999 and expected a big jump of business worth Rs. 2500 crores during 2000.

The above data makes it amply clear that there is an urgent need to re-examine the areas of law which internet is traversing in order to find out the compatibility of the existing doctrines to this new technology. This assessment is needed to ensure security to those who transact business through internet and redefine inter se rights and obligations of those who are directly or indirectly involved.

CHAPTER -3

The law of copyrights has been time and again challenged by the fast moving this present cause a risk to the copyright establishment by providing fast and easy methods to copy and move from one place to another copyrighted data from one place to another. One proposed solution to this problem, as has been figured out by the copyright owners is to place the responsibility for such violations on the Internet Service Providers.

Also, there are many other methods that can be put into use to violate a person's copyright. These methods broadly include linking deep linking and surface linking, in lining and framing. These are the basic and most common ways of doing things used for copyright violation by the users of the Internet. These ways of doing things have been well defined in the laws exterior India as well as in the Indian Legal Framework for the protection of copyrights.

The dimensions of copyright law have always been drawn by the developments in the (related to computers and science) world. Over the past two centuries, the copyright government in power has again and again been challenged by ever growing technology and as a legal response to such challenges; the law of copyright itself has developed. (in almost the same way), the growth of the digital as well as the information technologies towards the end of the twentieth century as a new mode of communication has created a/presented a threat to the copyright government in power.

On the one hand, these new technologies present promises to the copyright owners in terms of widening markets, and on the other hand, the same technologies have sounded a threat to the copyright owner with a loss of control over his property. The copyright owners are under a constant threat of loosing control over their creations on the information superhighway and are putting into use different (related to computers and science) (assistants/helping things) to keep/hold control. Because of the built-in (problems, delays, etc.) of enforcing copyrights against individual Internet users worldwide, the copyright owners have found the answer to this problem in placing legal (responsibility for/blame for) copyright violation on those who allow and enable Internet copyright violators to exist, that is, the Internet Service Providers (ISPs).

In our further course of discussions, in this paper, we will discuss, briefly, about the law of copyrights in relation to the digital world and the world of information technologies of which, the Internet is a most in control part. The paper would further discuss about the technologies of linking, in lining and framing

commonly used on the World Wide Web (WWW) and how they can be used in an offensive manner to violate the copyrights of others and what is the legal position. It then focuses on the different means of managing copyrights on the Internet, keeping in mind their effects/results/suggestions on fair use. Last, but not the least, it discusses the extent to which the Internet Service Providers (ISPs) are responsible under the Copyright Act and the IT Act.

Copyright is a set of rights granted by law to the creators and producers of forms of creative expressions such as book-related/writing-related, artistic, musical and moviestographic works it covers a wide mixed group of human creativity. The basic rule/way of thinking on which the law of copyright rests is that the creativity needs to be rewarded like manual work and the people who produce copyright/patent should be able to live by their creative skills and efforts. Creative activity and the related INVESTMENTS are stimulated by means of the legal instrument of copyright which protects the creative works or the (challenging things accomplished or completed) of some other people or institutions participating in the culture business in particular performing artists, phonogram and film producers, broadcasting organizations.

While granting exclusive law-related rights to a copyright holder, copyrights also secure/make sure of to balance the interest of the all people to fully participate in the scientific and cultural progress of people by limiting the period for which a work enjoys copyright protection, and secondly, by allowing certain uses without specific approval by the owner of copyrights, known as 'fair use' (legal rules/food and supplies) in copyright language.

Although the idea of copyrights is old, the laws granting these rights are (compared to something else) of recent origin. Laws protecting copyrights were introduced in a response to the widespread commercial abuse/mistreatment of book-related/writing-related works as a result of (related to computers and science) (times of moving ahead or up) in printing methods. The Law of Anne, 1709 was the first law of copyright . During the next two hundred years, some laws (and law making) were (did/done/put into law) in Britain granting different exclusive rights to authors and publishers, as the publishing industry expanded and newer technologies were introduced.

Originally designed to cover printed material, the extent of/the range of copyright law (more and more) expanded to cover newer and newer forms of creative expressions like phonographic and moviestographic works and phonograms, made possible by technologies, new and advanced means of communication like broadcasting, lithography, etc.

The websites are soaked in information, much of it with different degrees of copyright protection. In fact, the reality stands that almost everything on the web is protected by copyright law. The e-business websites are packed with information consisting of words, graphics, and sound and video that are expressed to the people (who use a product or service) as information content. These contents and sets of information can be easily copied by someone who has an Internet connection. Never before has it been so easy to violate a copyright owner's exclusive right and copy the material. Everyone who has a computer and an Internet connection can create a web page and become a publisher. That's the reason for the rules that once applied to only a few companies bind millions of people now. The main focus of our discussion on this topic would be centered at issues concerning linking, in lining and framing technologies, which are being used commonly on the Internet.

3.3 SECTION 14 STATES:

14. Meaning of copyright.-For the purposes of this Act, "copyright" means the exclusive right subject to the (legal rules/food and supplies) of this Act, to do or approve the doing of any of the following acts in respect of a work or any big part of that/of it, namely:-

(a) In the case of a book-related/writing-related, dramatic or musical work, not being a computer programme, -

(i) To reproduce the work in any material form including the storing of it in any medium by electronic means;

(ii) to issue copies of the work to the public not being copies already in circulation;

(iii) to perform the work in public, or communicate it to the public; unicate the film to the public;

(e) In the case of sound recording, -

(i) to make any other sound recording clearly showing/including it;

(ii) to sell or give on hire, or offer for sale or hire, any copy of the sound recording regardless of whether such copy has been sold or given on hire on earlier occasions;

(iii) to communicate the sound recording to the public.

Further, Section 51 states:

3.4 51. WHEN COPYRIGHT INFRINGED-Copyright in a work will be considered to be violated-

(a) When any person, without a license granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a license so granted or of any condition (forced (on people)/caused an inconvenient situation) by an (able to do something well/very good) authority under this Act-

(i) Does anything, the exclusive right to do which is by this Act gave/discussed upon the owner of the copyright, or

(ii) permits for (money made/good thing received) any place to be used for the communication of the work to the public where such communication makes up/is equal to a violation of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be a violation of copyright; or

(b) when any person-

(i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) distributes either for the purpose of trade or to such an extent as to affect (related to having wrong, pre-decided ideas)ly the owner of the copyright, or

(iii) by way of trade shows in public, or

(iv) imports into India, any violating copies of the work

Gave/given that nothing in sub-clause (iv) will apply to the import of one copy of any work for the private and domestic use of the importer.

As per the (legal rules/food and supplies), and speaking technically, a linking page does not reproduce any information, it only directs the user to the website where the content that he desires is present.

Anyway, the linking site is helping in the distribution of work.

Looking from another angle, Section 2(ff) states :

2(ff) "communication to the public" means making any work 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

copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available.

This definition of communication to the public could be stretched to cover the communication of contents of a Web site on the Internet as the expression 'by any means of display' has been used to define communication.

Deep linking is an important part of today's Internet time in history, and without deep linking, the communication of data over the Internet would be made/gave/given impossible, and the search engines would stop functioning. But, this idea of deep linking is different from what is done by a competitor in a business world with his competitor. The content displayed or linked by a search engine is different from what is done by a business web site. So, keeping these things in mind, should the law be changed/added to the end to stop deep linking within a web site without the owner of the content? No law, neither in India, nor in other countries, has completely blocked/forbidden deep linking, but the cautious and wise course of business must be to link with the express permission of the owner of the content.

As is clearly obvious from the above discussions, the Internet, and (after that) the move (from one place to another) of data via Internet is increasing at a fast rate, and is also, (after that) giving rise to dangers/risks such as copyright violation. Although, it is not possible to delimit the activities in totality on the Internet, still, some (related to doing things to prevent trouble or injury) measures can be taken (related to/looking at/thinking about) the same so that the rights of the producer or the author can be protected and safeguarded. The ISPs must also be aware that the data being stored or moved (from one place to another) through their servers, must not violate the copyright of any one, and so help in securing/making sure of a steady and at the same time perfect growth of the Internet.

CHAPTER 4

Violation of Copyright is not a new idea. However, in the current digital age, online protection of copyrights has become the best aspect of copyright protection. This paper will deal with online copyright violation and the similar (something you owe/something you're responsible for/disadvantage) with respect to Internet Service Providers (ISPs) in particular to web feeds or RSS Feed, the basic character in online copyright violation.

Over the last few years, European and American courts have seen (more than two, but not a lot of) cases where Internet Service Providers (ISP's) and such internet carriers have been sued for a variety of issues relating to copyright, ignoring and disrespecting of privacy, (saying lies that hurt someone's reputation), etc. In such cases, (problems, delays, etc.) usually arise from the fact that copyright/patent rights are usually/(in the past) bound by land-based limits which further become unclear and complex when it comes to the internet, resulting in confusion and conflict of law.

The internet provider (ISP) is a corporation that delivers providers for being able to view, using, as well as playing the web. The internet companies might be structured in (more than two, but not a lot of) forms, for instance commercial, community-owned, and non-profit, you aren't for your dui owned or operated.

Web providers usually furnished by ISPs include Internet access, Web transit, domain name subscription, WEB HOSTING, Usenet program, placing together/correct arrangement. Internet supplier (ISP), business that delivers Online connections in addition to providers to be able to men and women in addition to businesses. Together with delivering usage of the web, ISPs also provide software products (such since browsers), e-mail reports, plus a particular Website as well as homepage. ISPs can certainly host Websites for firms which enable it to furthermore develop the net websites on their own. ISPs are related together as a result of circle access details, community circle services on the web central source.

The sudden rush involving commercial Web providers in addition to software helped energy an instant (making something available for lots of people to buy) with the Web.

The ease with which copyright-protected material may be copied and distributed over the internet, and the difficulty of locating and sanctioning individual violating end users, has focused much attention on the role of internet service providers (ISPs) in the enforcement of copyright rights. United States courts began testing/evaluating ISP (responsibility for/blame for) violations by others making use of ISP

facilities by applying common law ideas/plans of secondary liability especially contributory violation, in an effort to strike the right/the proper balance between enforcing copyright rights and allowing free use of a valuable new technology.

The law on the (something you owe/something you're responsible for/disadvantage) of Internet Service Providers (ISPs) is yet to be applied in the Indian big picture. The Copyright Act, 1957 specifically excludes the recognition of copyright and other almost the same rights apart from those recognized under the Act. There is this way no common law copyright in India and no place for applying tort law ways of thinking/basic truths/rules to find ISPs responsible for damage, as has been the position in the United States.

In India, the approach of the law with respect to ISP (something you owe/something you're responsible for/disadvantage) is up-and-down. This means that the (something you owe/something you're responsible for/disadvantage) of a possible violator would depend on the area of law related for the particular type of violation.

In 1998 the U.S. Congress (put into law) and increased the general approach taken by the courts in section 512 of the Copyright Act, a complex provision that addresses in detail many of the basic issues. This article outlines these developments and carefully studies the major cases that have understood/explained the law-related (legal rules).

A party is guilty of copyright violation if they violate one of the five exclusive rights given to copyright owners under the Copyright Act as is explained in more detail in the below talked about/said US copyright law. Included in those rights are the right to prevent others from reproducing or copying a work, publicly displaying a work, or distributing a work. It is clear that on-line service providers will be responsible for copyright violation if they are directly involved in the copying of protected material. For example, if a service provider were to place an electronic copy of the latest best-selling novel or a stolen copy of Microsoft Word on their written announcement board or web site, they would be guilty of copyright violation. In these facts or conditions (that surround someone), an ISP is no different than any other party.

However, Internet Service Providers can be found responsible for copyright violation even where they are not directly started/working at the copying of protected materials. For instance, ISPs are responsible

for equipment, such as a computer operating as a server that is able to make copies without any direct involvement of any person. (as a result), one (clearly connected or related) question is: "when is an ISP responsible under copyright law for the copies made by its equipment?" As one example, the newsgroup servers controlled by ISPs make thousands of copies of newsgroup files every day. Although some of these files definitely contain copyrighted materials, no ISP has yet to be found guilty of copyright violation only for the unknown, self-ruling action of their newsgroup servers.

Anyway, an ISP must be aware of the explanations (of why things work or happen the way they do) under the Copyright Act by which a party can be held responsible for violation even if they do not directly take part in the copying or distribution of a work. Under the idea of "contributory violation," a party may be guilty of copyright violation when they cause or add/give to the violating conduct of another with knowledge of the other party's violating activities. Also, under the idea of "(in another way) (something you owe/something you're responsible for/disadvantage)," a person may be responsible for the violating actions of another if the person has the right and ability to control the violator's acts and receives a direct money-based benefit from the violation. Substitute (something you owe/something you're responsible for/disadvantage) can be established without the person (who is being sued or who was sued) having actual knowledge of the violator's activity. Under these two explanations (of why things work or happen the way they do), it is possible for an ISP to be held responsible for copyright violation, even if the ISP was not directly involved in making the violating copy.

4.3 COPYRIGHT LIABILITY--RECENT CASE:

The possible of ISPs for the activities of others was explored in *Religious Technology Center v. Netcom*, a California case decided in 1995 . In that case, files contain copyrighted resources own by the Church of Scientology were placed on an Internet newsgroup from side to side a newsgroup server controlled by Netcom (an ISP). The user that located the files on the Internet actually used a local written announcement board service (BBS) that gave Internet right to use through Netcom. The Church requested that the BBS and Netcom deny access to the individual involved, and that they remove all credentials containing Church materials from the servers they controlled. When both the BBS and Netcom refused, the case went to court. The court found that neither the BBS nor Netcom had directly violated the Church's copyrights, since neither party had taken any agreeing steps to cause the copies to be made. Although the computer systems of both parties operated involuntarily to receive and transmit the postings of subscribers, the court

found that this is not enough to launch a direct violation claim. On a claim for substitute liability the court also found against the Church, finding that there was no direct money-based reward to either Netcom or the BBS for the posting of violating materials. However, the Court found that Netcom may be possibly going to the Church under the explanation of contributory violation by (to an important extent) adding/giving to the violation of the user. Although the court recognized that there could be no (something you owe/something you're responsible for/disadvantage) even under the contributory violation explanation (of why something works or happens the way it does) unless Netcom knew of the violation, the court stated that if Netcom knew or should have know about the presence of the copyrighted materials on its server and did not remove them, that failure could amount to contributory violation. The notice that the Church gave/given to Netcom may have been enough for Netcom to be responsible for its failure to act on that notice. Unfortunately, before this final issue could be figured out by the court, the parties settled the lawsuit.

In the United States the law related to online copyright violation is dealt with in the Digital Millennium Copyright Act (DCMA) , in effect from 1998. Title II of the DCMA, referred to as the "Online Copyright Violation (something you owe/something you're responsible for/disadvantage) Limitation Act" (OCILLA) lays down the limits on the (things you owe/things you're responsible for/disadvantages) for online copyright violation. What's more, section 512 of the Act provides for limitation of (things you owe/things you're responsible for/disadvantages) online. Each of the limits in the act restricts money-based damages while restricting the availability of (getting a court order) in different respects. The OCILLA creates a safe harbour for Internet Service Providers, if they stick to certain guidelines set for them. They are protected from copyright (something you owe/something you're responsible for/disadvantage) if they block (claimed to be) violating material on receipt of notice/communication from the copyright holder. Further, OCILLA has (legal rules/food and supplies) for counter-notice/communication, (in which/during which/in what way/in what) they (Service Providers) are harboured from (something you owe/something you're responsible for/disadvantage) to their users upon notice from such users claiming that the possible material in question does not make up/be equal to violation.

Another aspect to be taken into consideration is the idea of Digital Rights Management (DRM). DRM is a class of access control technologies that are used by hardware manufacturers, publishers, copyright holders and people with the intent to limit the use of digital content and devices after sale. These ways of doing things allow copyright/patent rules to be embedded directly in the (basic equipment needed for a business or society to operate) of online content distribution. Current DRM technologies try to (force people out of a house because they didn't pay) violations of copyright/patent rights by restricting users' interactions with online content.

Both the United States and the European Union give certain protections to internet service providers as well as content providers. As up until now talked about/said, no (something you owe/something you're responsible for/disadvantage) is (forced (on people))/caused an inconvenient situation) on them unless service providers are (clearly/for a single purpose) told of the possible violation.

CONCLUSION:

The law relating to ISP (something you owe/something you're responsible for/disadvantage) is unclear and undefined, and is helping an unfair move/change in the (something you owe/something you're responsible for/disadvantage) of wrongful users on ISP's, making them the (person who takes the blame for bad things) of not enough set of laws. There is therefore an extremely important need to incorporate express (legal rules/food and supplies) in the Indian Copyright Act or the Information Technology Act (related to/looking at/thinking about) ISPs. In order to pave way for sound laws (and law making) relating to/connected to ISP (something you owe/something you're responsible for/disadvantage) in India, it is extremely important to address some of the key issues talked about/said hereunder;

a) First (and most importantly), there is an extremely important need to outline the definition of an Internet Service Provider. Unless the identity and role of an ISP is clearly specified, the law will be incomplete with regards to any of the other aspects. The term "due great care" in the IT Act also needs to be defined clearly as the (something you owe/something you're responsible for/disadvantage) of ISPs mostly depend on the factor of very careful accounting review being present or not.

b) It is suggested that the (something you owe/something you're responsible for/disadvantage) of the ISP should be based on the degree of involvement in the possible violation. Classifications as prepared in the DCMA can be used as an effective tool so that the (something you owe/something you're responsible for/disadvantage) of ISPs may clearly be identified. While effective measures must be secured/made sure of so that ISPs cannot (free from guilt or responsibility) their (something you owe/something you're responsible for/disadvantage) by giving silly and unimportant/not serious (in a disrespectful or inappropriate way) excuses, care should be taken that ISPs are not held responsible where they act as mere pipe/pathway providers and are at not at actual fault. In order to (accomplish or gain with effort) this, it is extremely important that proper classification of the ISPs, based on their roles in the network system is carried out.

c) (legal rules/food and supplies) must be incorporated to deal with the/to speak to the (related to managing money) aspect of transaction between the ISP and a third party. The relation between the service provider and the subscriber also needs to be dealt with. This would help in the separation of rights and duties between the provider and subscriber and therefore add/give to resolve the problem of misunderstanding relating to/connected to the question of (something you owe/something you're responsible for/disadvantage).

d) Finally, the Information Technology Act must make it required for ISPs to end services of subscribers who over and over again violate copyrights and start/work at violation of copyrights. The Digital Millennium Copyright Act makes it required for the ISPs to follow such policies in order for them to (able to be picked/able to participate) for protection under 'safe harbour protection'.

The ISPs play an important role in the growth of the internet, and so enable transactions and communications between millions and millions of users. The (not being there; not being present) of specific laws defining the (something you owe/something you're responsible for/disadvantage) of ISPs, result in the constant risk of getting/causing (responsibility for/blame for) any or all of their transactions and not doing anythings, interfering with the growth of the internet. With a view to better prepare Indian laws dealing with ISP (responsibility for/blame for) copyright violation by third parties, the IT Act needs/demands attention to some very fine, yet important issues without which the ISPs and their role could become terrible to the internet

CHAPTER 5

INTRODUCTION TO RSS FEED

RSS stands for 'Really Simple Syndication'. It is a marketing tool used by writers (on shared online pages) and websites. RSS uses an XML file to create an update system. When you post a new entry to your (shared online writing page) or want to (help increase/show in a good way) a new business trip/business, RSS allows you to tell many people at one time of the update. It is a means of sharing content - usually headlines and a summary - between sites or from one site to an individual computer. To avoid subscribing to many email newsletters or visiting many websites and (writes on a shared online page) for news, some internet users run an RSS reader, a simple piece of software that groups content from third party sources that offer RSS feeds, such as websites and (shared online writing pages).

Many people are thinking about quite a few internet websites in whose information improvements while on an unforeseen plan. Samples of this kind of internet websites usually are announcement sites, area in addition to non secular organization data internet pages, item data internet pages, health-related internet websites, in addition to websites. Consistently checking out each and every web site to find out when there is just about any brand new information can be extremely tiring in addition to tedious. E mail notice/communication of improvements had been an earlier means to fix this issue. Unfortunately, once you receive electronic mail notices/communications via quite a few internet websites they are usually disorganized which enables it to obtain frustrating, and are also typically wrong with regard to unsolicited mail. REALLY SIMPLY SYNDICATION is a way for being advised of brand new in addition to changed information. Notices/communications of improvements to many internet websites usually are handled simply, and the the desired info is shown for you well organized in addition to clear/separate via electronic mail.

REALLY SIMPLY SYNDICATION works by obtaining the web site writer retain a directory of notices/communications on their web site in the normal method. This list of notices/communications is named an "RSS Feed". Those who are thinking about discovering the modern days news or even improvements can certainly take a look record. Special personal computer applications known as "RSS aggregators" have been formulated which immediately admittance the particular REALLY SIMPLY SYNDICATION nourishes of internet websites you value for you in addition to coordinate the final results for you personally. (RSS nourishes in addition to aggregators may also be from time to time known as "RSS Channels" in addition to "RSS Readers".)Producing an Feed really is easy in addition to tens of thousands of internet websites at this point present this particular function, such as main announcement companies much like the The big apple Periods, the particular BBC, in addition to Reuters, together with quite a few websites.

Precisely what data does REALLY SIMPLY SYNDICATION present?

REALLY SIMPLY SYNDICATION delivers quite standard data to try and do it is notice/communication. The item consist of a directory of objects shown so as via hottest to be able to older. Each and every product typically consists of a simple concept explaining them in addition to a far more full information and a url to a new website page with the genuine data being referred to. Sometimes this particular information would be the complete data you intend to understand (such since the information of your blog site post) in addition to from time to time it's just a summation. One example is, the particular REALLY SIMPLY SYNDICATION data with regard to days news using a local announcement web site might retain the using data: Your REALLY SIMPLY SYNDICATION data is defined in a solitary report using a web site in the fashion virtually similar to usual website pages. On the other hand, the knowledge is coded inside XML personal computer language with regard to utilize by a system (the REALLY SIMPLY SYNDICATION aggregator) instead of by a man or women as being a usual website page.

RSS aggregators automatically check a series of RSS feeds for new items on a (happening now) basis, making it is possible to keep track of changes to many websites without needing to in a tired way read and re-read each of the websites yourself. They detect the additions and present them all together to you in a compact and useful manner. If the title and description of an item are of interest, the link can be used to quickly bring the related web page up for reading.

Here is a screen shot of an RSS aggregator in action. On the left is a list of the RSS feeds being watched/supervised, along with an indication of the number of unread items in each feed in parenthesis. On the right are the details of the latest items in a selected RSS feed (in this case, the New York Times).

There are many RSS aggregators available. Some are accessed through a browser, some are combined (with other things) into email programs, and some run as a standalone application on your personal computer.

The legal side of RSS feeds is the RSS copyright. One should be aware that while offering a feed, receivers might assume you are giving up copyright in the content in the feed, unless you state otherwise. In any event, the content that appears in some feeds might be too small and unimportant to qualify as copyright. Basically it is a technology that allows a web page to be accessed without a browser.

From a legal (way of standing/way of thinking), the internet as a whole falls into a gray pit. The internet is a global-wide structure. Since there is no (making things all follow the same rules or be copies of the same models) to law, every country has its own set of rules. The internet is very hard to control. Therefore, RSS feeds are very hard to control. As a general rule, reusing someone else's content is prohibited, because copyright laws attach to feeds. As a writer, when I compose words that will eventually be published on the internet, someone owns the right to those words. In most cases, it is the publisher since I get paid to add/give content. For personal websites or (shared online writing pages), the author owns the rights. Unless you specifically give license to another site for your content, it cannot be copied.

When you offer your own content in an RSS feed, be aware that it becomes very hard to know who is using the feed, how they are using it and how many are using it. If you want to control its use, you can command/(have someone write what you say) your conditions; otherwise you are in a weak position if

you later object to someone's use of your material. Be aware that a third party website might combine and display the output of your free feed and others like it and then charge its own visitors for access or (money made/good thing received) from adverts that surround the output of your RSS feed. If you object to such uses, you should say so in your conditions of use.

However, adding conditions of use interferes with the one-click simpleness of adding an RSS feed to a reader, so this is a judgment call for any site. Most RSS feeds sensibly avoid offering the full content of articles. This helps the user decide what to read without scrolling through long texts; it gives people a reason to come to your site; and it protects the copyright in your content. So the content offered in RSS is usually a collection of headlines and summaries that link to the full versions on the site that offers the RSS feed. Be aware that when you offer a feed, receivers might assume you are giving up copyright in the content in the feed, unless you state otherwise. In any event, the content that appears in some feeds might be too small and unimportant to qualify as copyright violation though continuing, well-thought-out (very mean, unfair treatment) will be easier to stop.

Most providers of RSS feeds are happy to have their feeds displayed on third party websites. However, if you plan to display adverts next to a third party's RSS feed, or otherwise (MAKE MONEY/get something good) from the feed, we recommend that, in a perfect world, you look (for) permission from the provider. At the very least you should check the sites whose feeds you want to use for conditions of use for their RSS feeds or, if there are no such conditions, the site's copyright notice. Even without any prohibition in these notices, you're safest course of action is to approach each site for permission. That's not to say you'll definitely get sued for following your plan without permission from each party; it's just that you run a risk. If conditions forbid commercial use of a feed, request permission before using the feed on anything other than a personal website. Commercial use does not only mean that you are selling access to the feed or surrounding the feed with advertising; any use on the website of a business can also be a commercial use.

Once you add a third party RSS feed to your website, you place your trust in that third party publisher. You cannot control what that feed will display. In March 2008, three French publishers were punished

because they ran an RSS feed that contained a (something that causes arguments between people) story. It is unlikely that a UK court would follow that ruling. Hence, RSS feed is a (book, magazine, etc.) meant to be grouped, subscribed to by people for personal use and by public aggregators, too.' 'Since most news feeds are meant to be used and received by users, there is an argument that a copyright owner who creates an RSS feed has granted a non-exclusive license, either (clearly/for a single purpose) or by suggested conduct, that the source be freely distributed and/or redistributed. Give permission for/agree to use the news feed may be visible via either silence or lack of objection.' 'The content of RSS feeds, including the headline and the article or story, is protected by copyright, and retransmission, distribution, or other uses without permission are copyright violation. Headlines, like all short phrases, receive limited protection and can only be protected if the headline is (good or well enough) original and not only a little statement of facts.'

As discussed about the meaning and legal side of RSS FEED now it's important to link this software to IPR in particular to Copyright. From the legal point of view, Copyright in Web is often considered as the grey area; as such it's often misunderstood and violated - mostly simply because writers (on shared online pages) don't know, what laws they have to obey and what issues they have think about. _]', 'to consider.', event)" class="hy" title="to consider.">_to think about. _] In fact, copyright very old stories/untrue stories are common, as well as many copyright debates in the Web.

"The Internet has been showed as the largest threat to copyright since its beginning. The Internet is full of/surrounded by information, a lot of it with different degrees of copyright protection. Copyrighted works on the Net include new s stories, software, novels, (words for movies), graphics, pictures, Usenet messages and even email. In fact, the frightening reality is that almost everything on the Net is protected by copyright law. That can present/cause problems for the unlucky surfer."

The (like nothing else in the world) hidden (under) design of a Web page and its contents, including:

-links

-original text

-graphics

-sound

-video

-html, vrmf, other (like nothing else in the world) markup language sequences

-List of Web sites collected/made by an individual or organization

-And all other (like nothing else in the world) elements that make up the original nature of the material.

Many parts of the issue of copyright and the Internet are still not resolved.

When linking to illegal or violating copyrighted content the law of linking (something you owe/something you're responsible for/disadvantage) is now considered a grey area. But if you have an ordinary web site, and linking is not going to bypass some security, or payment system such as advertising, and there's no information anywhere about the site not wanting you to link in and no reason to believe they don't want it, linking should be very safe."

"Posters should be informed that they are responsible for their own postings. The newsroom should consider advising readers that the newsroom does not control or monitor what third parties post, and that readers occasionally may find comments on the site to be offensive or possibly incorrect. Readers should be informed that responsibility for the posting lies with the poster himself/herself and not with the newsroom or its connected sites."

For the effective regulation of an important thing/big event, the legal government in power for it must be informed about the latest developments happening in that field, which becomes very hard in the case of Information Technology as it has a fast pace of development and that's the reason for the law needs/demands constant updating.

Some grey areas in the IT Act,2000 which need special attention are:

- The Act extends the application of its prison/punishment (legal rules/food and supplies) to people outside India, ignoring their nationality if the offence under the Act relates to a computer located in India. Such extra-land-based legal control is filled with/full of limits as to its enforcement.

- The legal control of a particular country over online transactions, which involves more than one legal control, has been left open. This can lead to a conflict of legal controls.
- The Act does not face/deal with the issue of cross-border taxation that may arise in international contracts.
- The Act does not face/deal with the issue of protection of copyright/patent on the internet.
- The Act does not deal with privacy and data protection issues on the internet.
- The Act does not cover computer laundering of money, spamming, phishing, computer stalking, computer squatting and other new and interesting computer-based crimes.
- The Act does not clear up the situation (related to/looking at/thinking about) the (something you owe/something you're responsible for/disadvantage) of network service providers.

CHAPTER 6

US COPYRIGHT LAW-

Introduction: Under the current U.S. Copyright Act, copyright protection exists in "original works of authorship fixed in an able to be touched/real medium of expression." The ease in which copyright rights are secured under this definition has led to copyrights becoming the most widely available form of copyright/patent protection.

The discussion of the purchase/getting/learning of copyright protection is divided into the following sections:

- originality needed thing;
- works of authorship;
- constant, obsessive thought;
- automatic creation; and

-Collections/creations.

:

For a work to be protected by copyright law, it must be "original." However, the amount of originality needed/demanded is very small. The work cannot be only a little mechanical reproduction of a previous work, nor can the work consist of only a few words or a short phrase. Also, if the work is a collection/creation, the collection/creation must involve some originality beyond mere alphabetic sorting of all available works. Beyond that, almost any work that is created by an author will meet the originality needed thing.

The Copyright Act uses the phrase "works of authorship" to describe the types of works that are protected by copyright law. This (in a way where you carefully plan something) broad phrase was chosen by Congress to avoid the need to rewrite the Copyright Act every time a new "medium" was discovered. This meant confusing double-meaning allows the Copyright Act to protect World Wide Web pages and (combining video, sound, words, and pictures together) cd roms even though these items did not exist at the time the Copyright Act was written. In order to clear up what was considered a work of authorship, Congress included a list of eight works of authorship in the Act itself:

- 1.literary works;
- 2.musical works, including any paired-up words;
- 3.dramatic works, including any paired-up music;
- 4.pantomimes and plan (dancing)ic works;
- 5.pictorial, graphic, and sculptural works;
- 6.motion pictures and other (sound and video) works;
- 7.sound recordings; and
- 8.Architectural works.

Although this list is not meant to be (including everything), most protected works fall into one of the specified categories. These categories are wider than they at first appear to be. For example, computer

programs and most collections/creations are registered as "book-related/writing-related works," while maps and architectural plans are registered as "picture-based, graphic, and sculptural works."

Constant, obsessive thought:

In order for a work to be protectable, it must be fixed in an able to be touched/real medium of expression. A work is considered fixed when it is stored on some medium in which it can be perceived, reproduced, or otherwise communicated. For example, a song is considered fixed when it is written down on paper. The paper is the medium on which the song can be perceived, reproduced and communicated. It is not necessary that the medium be such that a human can perceive the work, as long as the work can be perceived by a machine. So, the song is also fixed the moment the author records it onto a cassette tape. (in almost the same way), a computer program is fixed when stored on a computer hard drive. In fact, courts have even held that a computer program is fixed when it exists in the RAM of a computer. This is true even though this "constant, obsessive thought" is (only lasting for a short time), and will disappear once power is removed from the computer.

The above three needed things are the only needed things for copyright protection. As a result, copyright protection exists the moment an original work of authorship becomes fixed. For example, the song in the previous example is protected by copyright at the moment it is written to paper, or recorded on a cassette tape. A computer program is protected the exact moment that it is saved to disk.

No other actions are needed/demanded for copyright protection. There is no need to file an application for copyright protection, or to even place a copyright notice on a work. These added/more steps, often referred to as "formalities," were (before that/before now) needed/demanded to secure copyright protection. Under the current law, the formalities of registration and notice now only serve as recommended steps to expand the protection given by copyright.

This automatic creation of copyright protection in the United States began in 1978. Before 1978, law-related copyright was generally secured by the act of publishing a work with a notice of copyright on the work. If a work remained unpublished, law-related copyright could be secured by the act of registration. If a work was published without a copyright notice, the work could enter the (not having copyright; free to use by anyone) and would not have copyright protection. Any work that was in the (not having copyright; free to use by anyone) on January 1, 1978 remained in the (not having copyright; free to use by anyone).

6.2 FAIR USE

The special privileges granted by the Copyright Act are restricted by more than two, but not a lot of law-related and in favor with, or related to, the Constitution limits on copyright law. The mainly well recognized of these limits is "fair use". However, the Copyright law itself explain in feature over ten split limits on copyright law.

if~ Fair Use in the Copyright Act,

if~ Fair Use Example, and

if~ Other Fair Use Examples;

if~ The First Amendment; and

if~ Compulsory Licenses.

The fair use law: The belief of fair use developed over the years as courts tried to equilibrium the rights of copyright owners with all good people in the world's attention in allowing copying in certain, limited facts or conditions that surround someone. This belief has at its core a essential belief that not all copying should be forbidden, especially in socially important tries such as disapproval, news reporting, teaching, and explore

Although the belief of fair use was formerly shaped by the related to judges and the court system, it is now clarify in detail in the Copyright Act. Under the Act, four factor are to be careful in order to figure out whether a specific action is to be careful a "fair use." These factors are as follows:

1. The purpose and character of the use, including whether such use is of commercial nature or is for (not making any money) educational purposes;
2. The character of the copyrighted work;
3. The quantity and bigity of the part used in relation to the copyrighted work as a total; and
4. The result of the use upon the likely market for or price of the copyrighted work.

Fair use example:

It can often be very tough to figure out whether or not a particular use is a "fair use". The four factors described in the law often lead to contradictory results. The four factors of examination for fair use explain in element above come from the opinion of Joseph Story in *Folsom v. Low, wet land*. The quotation of short passage from a novel in a unconstructive newspaper appraisal of that novel is generally measured a fair use. But an examination of the four factors makes this result far from apparent.

First Factor purpose and character of the use: In warily studying the first factor, the copying party used the quotation in a for-profit newspaper and so the use was for commercial add Generally, this would mean that the first factor weigh in goodwill of finding no fair use. However, the fact that the purpose of the use was to review or criticize the work is a fact good/helpful to a finding of fair use. While it is not clear from examining the law, the later fact is probably more important than the first, meaning that the first factor explain in detail in the Copyright Act should weigh in the direction of a finding of fair use.

Second Factor nature of the copyrighted work: In cautiously studying the second factor in our example, a novel is one of the first examples of a work which should be protected by copyright law. As a result, the second factor weighs toward a result of no fair use. If the novel had not yet been published, this would be even more important. It can be very hard to verify fair use in the quotation of an unpublished work. However, it is not impracticable, since the unpublished status of a work is only one element in the fair use scrutiny.

Third Factor amount and bigity taken: As for the third factor, only undersized passages from the novel were included in the review. This generally means that the third factor is cautiously studied in favor of a finding of fair use. However, the "worth" of the portion taken is carefully studied under this factor as well as the "amount." It is probable that these short passages are the most important part of the novel. If this were the case, this third factor may guide to an end of no fair use.

Fourth Factor effect on possible market for confined work: Finally, the fourth factor should be considered in our example. Courts have stated that this is the most important factor in the fair use analysis. In this case, the negative appraisal would clearly hit/affect the possible market for or value of the copyrighted work. However, courts have stated that this factor is to look only at the portion taken to carefully study the effect on the possible market, and not at any negative observations contained in a review. So, the question is whether counting the short passages in the newspaper would affect the

market for the novel. When only short passages are drawn in, courts have generally held that there is no market effect, and this factor should be cautiously studied in favor of a finding of fair use.

Other fair use examples:

As shown by the example above, it can often be very hard to figure out whether a particular use qualify as a fair use. In most cases, a copyright lawyer should be talk to before doing any significant activity which would depend on the fair use idea/belief as a defense to copyright infringement.

Anyway, there are some traditional behaviors which have been used to illustrate when the fair use idea/belief would be valid these tricks include:

- small small section in a review or criticism for purposes of illustration or comment;
- a funny imitation which combines some elements but not all of the work being imitated;
- quotations from a language, address, or position paper in a news report; and
- restricted copying made by a student for related to school and learning work.

In the big picture of computer technologies, the fair use idea/belief is often used in the big picture of reverse engineering. Under trade secret ways of thinking/basic truths/rules, it is generally accepted to "reverse engineer" a product to decide/figure out how the product works. Reverse engineering may involve carefully studying circuit board layouts, "peeling" back an electronic devices chip, or decompiling computer software. However, it is impossible to decompile software and then carefully study the results without making a copy or a similar work of the software. Courts have sometimes held that the making of these copies in the big picture of reverse engineering is a fair use and is not copyright violation.

First Amendment:

It is unclear whether the first amendment grants an added privilege to make unauthorized copies of protected works beyond that granted by the idea/belief of fair use. While (people who give their opinions) have argued that a separate defense against a legal accusation of copyright violation does exist, courts have not agreed. Instead, courts have stated that the combination of the fair use idea/belief (described above) and the fact that copyright does not prevent the copying of facts and ideas.

Required Licenses:

Generally, the exclusive rights granted by the United States Copyright Act may be exercised as the copyright owner sees fit. If an author of a book does not want the book published or distributed, the author as the copyright owner can prevent (book, magazine, etc.) and distribution. (in almost the same way), these rights can be controlled through licenses however the copyright owner desires. However; (more than two, but not a lot of) limited exceptions to this rule have been made in the Copyright Act under the misleading appearance of required licenses. These required licenses allow third parties to copy, perform, or distribute certain types of works without the copyright owners' permission, in exchange for which the third parties must pay an (already decided beforehand) royalty amount.

These required licenses are very limited, and apply in only five facts or conditions (that surround someone):

- the production of new sound recordings based upon an existing nondramatic musical recording;
- the performance of a non dramatic musical recording in a jukebox;
- the (happening together) retransmission of television signals by cable television operators;
- the performance, display and recordal of certain works by public broadcasting things/businesses; and
- a worker (who works for a short time) right to retransmit television signals via satellite to household satellite dishes.

Before taking advantage of any of these required licenses, an individual should talk to a full of knowledge copyright lawyer.

Length of time of Copyrights

The length of time of copyright protection recently changed as a result of the Sonny Bono Copyright Term Extension Act of 1998. The easiest rule to state is that Copyrights have expired on all United States works registered or published before 1923. As a result, all such works have entered into the (not having copyright; free to use by anyone). Beyond that, however, it is more complicated to control when/figure out when a copyright will expire. Like the old (legal rules/food and supplies), the length of time of copyright protection under these new (legal rules) depends upon when the work was created and first published. The three (clearly connected or related) time frames are:

- works created on or after January 1, 1978;

-works created before January 1, 1978, but not published until after this date; and

-works created and first published before January 1, 1978.

Created on or after January 1, 1978:

This is ruled by law-related section 17 USC 302. According to this section, a work that is created (fixed in able to be touched/real form for the first time) on or after January 1, 1978 is normally given a term lasting (through) for the author's life, plus an added 70 years after the author's death. In the case of "a combined work" prepared by two or more authors that was not a "work made for hire," the term lasts for 70 years after the last surviving author's death. For works made for hire, and for unnamed and (fake-named) works (unless the author's identity is showed in Copyright Office records), the length of time of copyright will be 95 years from (book, magazine, etc.) or 120 years from creation, whichever is shorter.

Created before 1978, but not published:

This is ruled by law-related section 17 USC 303. Works that were created but not published or registered for copyright before January 1, 1978, have been automatically brought under the law and are now given Federal copyright protection. The length of time of copyright in these works will generally be figured out/calculated in the same way as for works created on or after January 1, 1978: the life-plus-70 or 95/120-year terms will apply to them also. The law provides that in no case will the term of copyright for works in this category expire before December 31, 2002, and for works published on or before December 31, 2002, the term of copyright will not expire before December 31, 2047.

This is ruled by law-related section 17 USC 304. Under the law in effect before 1978, copyright was secured either on the date a work was published or on the date of registration if the work was registered in unpublished form. In either case, the copyright lasted through/tolerated for a first term of 28 years from the date it was secured. During the last (28th) year of the first term, the copyright was (able to be picked/able to participate) for a second renewal term of an added 28 years. If no application was filed for renewal, the work would enter the (not having copyright; free to use by anyone) after the first 28 year term.

The current copyright law has extended the renewal term from 28 to 67 years for copyrights that existed as of January 1, 1978, making these works (able to be picked/able to participate) for a total term of

protection of 95 years. There is no longer a need to make the renewal filing in order to extend the original 28-year copyright term to the full 95 years. However, some benefits build up to making a renewal registration during the 28th year of the original term.

In other words, if a work was published between 1923 to 1963, the copyright owner was needed/demanded to have applied for a renewal term with the Copyright office. If they did not, the copyright expired and the work entered into the (not having copyright; free to use by anyone). If they did apply for renewal, these works will have a 95 year copyright term and hence will enter into the (not having copyright; free to use by anyone) no sooner than 2018 (95 years from 1923). If the work was published between 1964 to 1977, there is no need to file for a renewal, and these works will automatically have a 95 year term.

Copyright is a personal property right, and it is subject to different state laws and rules that govern the ownership, (something valuable you get when older relatives die), or move (from one place to another) of personal property. It is probably best to view copyright as a bundle of rights. The rights included in that bundle are the rights granted by the U.S. Copyright Act.

:

An suggested copyright license is a license created by law without an actual agreement between the parties. Suggested licenses arise when the conduct of the parties points to/shows that some license is to be extended between the copyright owner and the licensee, but the parties themselves did not bother to create a license. This is different from an express license in that the parties never actually agree on the specific terms of the license. The purpose of a suggested license is to allow the licensee (the party who licenses the work from the copyright owner) some right to use the copyrighted work, but only to the extent that the copyright owner would have allowed had the parties (worked or talked with others to reach agreement/got through successfully) an agreement. Generally, the custom and practice of the community are used to decide/figure out the extent of/the range of the suggested license.

Suggested licenses have been used to grant licenses (in the original position)ations where a copyrighted work was created by one party at the request of another. In one case, a special effects company was hired to create a specific effect for a horror movie. The contract through which the special effects company was hired did not assign the copyright in the effect, and did not provide for a license for the effect to be used in the horror movie. The court ruled that the effect could be used in the horror movie

through a suggested license, since the effect was created with the intent that it be used and distributed in the movie.

A commonly discussed picture/situation where suggested licenses are (already decided beforehand to happen) to play a big part is on the World Wide Web. When a Web page is viewed in a Web browser, the page is downloaded through the Internet and placed on the user's screen. It is clear that a copy of the Web page is being made by the user. It is also clear that the Web page is protected against unauthorized copying by copyright law. But it would not make sense to allow the author of a Web page to sue a user who viewed her page, since the author meant that the page be viewed by others when she placed it on the World Wide Web. Rather, lawyers argue, courts should find that the Web page author has given end users a suggested license to download and view the Web page. The extent of this suggested license is unclear, and may someday be defined by the courts.

argument-causing event/arguments between people) 1 -Pulse, a popular RSS reader for the iPad

Beat, a favorite RSS OR ATOM viewer with the iPad tablet, seemed to be booted out of Apple's iPhone app Keep caused by a legal criticism on the Big Apple Events Corp. (The app seemed to be renewed towards iPhone app Keep within hours.) This specific argument improves (able to be seen/worthy of attention) legal questions with regards to concerns just like reasonable make use of and grouping --This time, the actual disorder/trouble is finished a new DMCA discover, sent in from the Big Apple Events Corp., that brought on removing the actual Beat RSS OR ATOM viewer on the Apple company (shared online writing page) Keep. The timing pretty much appeared built to draw out the actual pitchfork-holding millions: Pure hours after the Beat iPad tablet program seemed to be underlined by Dorrie Tasks in the course of their important dialog at the World-wide Designers Meeting within San Francisco Bay area, the actual app seemed to be pulled on the iPhone app Keep within reply to a new DMCA state sent in from the Big Apple Events Corp. For example, the actual Times' DMCA discover is about because crystal clear because will get. The appropriate portion states as follows: I will be producing once more, on the part of The Boston Ma World, Boston Ma. com as well as the Big Apple Events Corporation, (related to/looking at/thinking about) the violating iPad tablet app, "Pulse News Reader" produced by Alphonso Labs Inc. The Beat News Target audience app, helps make professional by using the actual NYTimes. com and Boston Ma. com RSS OR ATOM rss feeds, within failure (or break) of their Terms of

Use*. Therefore, the use of each of our written content will be unlicensed. The app also/and casings the actual NYTimes. Com and Boston ma.com web sites within failure (or break) of their individual Terms people.I watch/ notice/ celebrate/ obey that the actual app will be supplied with all the NYTimes. com Rss feed preloaded, that is boldly and clearly showcased inside display images used to offer the actual app on iTunes.It's hard to know exactly what to create of the. The (understanding/ explanation) put forward by (clever device)do, Endgaget, TechDirt and Sent (which is (based on what's seen or what seems obvious) recognized by this particular publish within the Times' very own Parts (shared online writing page)) will be that just about any paid app that displays the actual Times' Rss feed will be doing "commercial" by using the actual feed, and so going above the actual terms with the licence. (Of training course, the actual discover also/and usually takes concern together with a couple other parts of the actual Beat viewer, specifically (1) the fact that Beat displays the content inside a framework -- a new practice which includes made higher the actual angry feeling of writers ahead of -- and (2) the fact that a new (picture made by a computer of its screen) with the Big apple Events web site is used advertising the actual Beat viewer.)Should the Events will be having the position that just about any paid app that displays RSS OR ATOM rss feeds by NYTimes. com and Boston ma. com demand a licence, is there a new leg in order to remain on?Pulse's redisplay with the Times' written content wouldn't always be copyright laws invasion in the event that a good (when something is kept out or not included), for example reasonable make use of, employed. The Copyright Act models on (more than two, but not a lot of) (other people can do it, too) elements to get thought of as by legal courts as soon as figuring out whether or not a new make use of qualifies meant for reasonable make use of security. These elements consist of: (1) The idea and figure with the make use of, as well as if thez make use of will be of any professional character or is perfect for non-profit educational uses; (2) The nature with the copyrighted perform; (3) Just how much and bigity with the portion employed in relation to the actual copyrighted perform in general; and (4) The issue with the make use of on the actual possible (place where people buy things) meant for or benefit with the copyrighted perform. (17 Oughout.Ersus. G. Â\$107.)

Although the fact that Beat will come pre-populated with all the Times' Rss feed ((many people would say)) makes a difference towards legal analysis, it does little to improve people's gut feeling response. Many (people who give their opinions) have watched/followed, the internet was made all around the idea of linking in order to and reusing written content that appears anywhere else. Since TechCrunch records, "[Pulse is] while using the BIG APPLE Events official Rss feed, since the BIG APPLE Events place it available to buy. For that BIG APPLE Events in order to next grumble over it doing so will be strange. inch This is the very same argument that supporters of Yahoo and google News along with announcement

aggregators make use of: in case you don't want to buy to get copyd, don't don it the internet. And if you don it the internet, be expecting it to get copyd (unless you cover it powering a new paywall).

CONTROVERSY 2:

Can Law Ratchet Violate Writers (on shared online pages)' Copyrights?

The write-up around here the first appearance involving Law Ratchet, a special/limited site that will groups legal announcement and also sites. Later, the reader e mailed everyone wanting to know an extremely important question our write-up didn't target -- that will involving no matter whether Law Ratchet is violating the copyrights of the publishers and also web owners whose stories it is buying.

Meant for many of the posts Law Ratchet picks up, it is republishing these in full by itself web site, complete with pictures. By way of example, recently Orin Kerr published the write-up for the VoFlokh Plan (that was put together secretly by a group of people) called, Looking By having a Eye-port Beside Any Entry way Kept to become Last Change Look for. Today examine Kerr's write-up as it shown up with Law Ratchet. It's there in full word -- not a little piece, not a plain/honest/easy web page link.

Exactly the same ended up being happening having our (shared online writing page) -- our content ended up showing in full word with Law Ratchet. Being a examination, We changed our setups with WordPress to make sure that our Rss feed covered only a summary of each and every write-up, certainly not the whole word. Today, only the cut short end/end result presents itself with Law Ratchet. (Here is surely an case in point with Law Ratchet.)

Occasionally, on the other hand, Law Ratchet is featuring posts (many different kinds of people or things)ly. Meant for posts from particular "part of the regular majority of people" announcement options, Law Ratchet shows the divided into two web page. The highest half the web page shows a summary of this content. The underside 50 percent support frames an original source web page that contain the whole story. Suggestions an example of a story from the ABA Newspaper and also here is just one from the AmLaw Law suit Everyday.

Any Off white Part of the Law

This way is Law Ratchet violating copyright laws law through republishing these kind of stories by itself web site? Is actually that any different from exactly what Yahoo Reader really does? As an example, is Yahoo Reader (or Yahoo News) violating copyright laws law?

The result seriously isn't as easy while you may expect. Just recently, within the Connected Push / Meltwater, the national judge with New York ruled that the Meltwater media keeping track of program violated AP's copyright laws through scraping announcement stories online and also delivering small sections/small parts in order to its clients. The judge (made worthless or meaningless) Meltwater's reasonable make use of safety, discovering that Meltwater ended up being purely buying (and owning) and also republishing AP's articles in order to make money as a result. Law Ratchet would have a straight slow reasonable make use of safety, given that it's republishing whole posts as these folks were, at first, published somewhere else.

Yet a different safety in order to copyright laws violation is that the republisher had an meant licence to work with this article. With regards to (shared online writing pages), the debate has been produced that will spreading around the blog's articles using an Rss feed takes its licence in order to other folks to perform exactly what they might while using articles. Eric Goldman reviewed that in a write-up with 2005:

During my head, there's simply no question a doodlekit money an meant licence towards articles within an Rss feed. On the other hand, mainly because it's meant, I'm simply not certain of the licence words. So, in your mind (but maybe not in real life), it can be an meant licence to allow for aggregators to perform no matter what they want.

Even though Goldman wrote because of this the government (related to managing money) aid 2005, the situation is always disturbed/not finished/not decided in the United States. Only earlier, an Israeli court docket ruled (also by way of Goldman's (shared online writing page)) a doodlekit, through supplying an Rss feed and also (giving a reason to do something) showing/telling about involving his or her content with social websites, gave up/canceled his or her mental home privileges. (For an amazing introduction to U. Ersus. law, see Kimberley Isbell's document, The Climb of the Information Aggregator: Approved Effects/results/suggestions and also Recommendations.)

Definitely not everyone sees it because of this, obviously. You can find an (oversupply/large amount) of best IP lawyers whom keep/hold that the Rss feed doesn't develop any kind of meant licence. Still, it's worth keeping in mind that will FEED shows (by using a physical object to represent an idea or emotion) "really plain/honest/easy syndication" and that syndication is surely an supplying of an work with newsletter over (more than two, but not a lot of) options.

Law Ratchet does respond

We put the question in order to Law Ratchet's founding fathers and also been given a reply this morning from BOSS and also co-founder Derek Chau. Chau is usually a 2006 Harvard Law grad and also they and also co-fail/sink (like a ship) Will probably Mouat ended up contacts with each other with Ropes & Depressing and hopeless with Birkenstock boston just before moving in order to Florida. Here's what they said about the copyright laws matter:

About the matter involving copyright laws law, we all do invest a good time frame (asking lots of questions about/trying to find the truth about) the matter. I'd personally danger in order to guess that you are comfortable with the copyright laws concerns given the knowledge having media law. We all carefully studied the problems and also be enough it to express that people assume that Law Ratchet is well-positioned for the value of the legalities.

Will probably and also We began this business/project to produce a much better knowledge for lawyers to use and see legal announcement. In completing this, your goal may be to use articles vendors and form/create (to both people or groups equally) valuable partnerships having creators and also publishers. Actually, we all assume that of having Law Ratchet will probably do well out there is by using their particular cooperation/working very well together and also relationship.

We have been also strongly encouraged with the connection with added/more announcement aggregators ... Yahoo Reader, Feedly, Heart, Zite, Flipboard to call a few. Specifically, Heart and also Flipboard are really rich with creating forcing/forceful/interesting friendly partnerships having articles vendors. By the end of the evening, the creators watched/followed the forcing/forceful/interesting benefit job and also make an effort to looked for to be presented for the announcement aggregators. Because you can remember, CNN actually travelled as long as to get Zite with 2011.

We have been specifically happy that people permit people (who use a product or service) to see legal (writes on a shared online page) them to commonly wouldn't locate; hopefully your software helps help the lesser-known (but really talented) creators in existence. All the opinions we've received from these kind of creators is helpful, and also we've been enquired to feature more articles and also options.

Extremely easily, if an creator or writer questions to be removed from your program, we all will do (as a result) regardless of whether that will source remains offered via Yahoo Reader (or Feedly or equal services). We all don't expect that will to happen regularly mainly because creators are usually nervous/eager about being a lot more commonly study (and creating a well-known/obvious url to their particular site), but we all wanted to go overboard on the side involving caution.

Law Ratchet also offers added/more options for presenting different options that will we're thrilled to discuss with interested creators, which is nervous/eager about long term features that will let actually better relationships having particular creators (stay tuned!).

Chau's solution doesn't only make clear exactly why he's figured Law Ratchet is "well-positioned for the value of the legalities. " His or her thoughts that he may be using the services of articles vendors may maybe make clear exactly why Law Ratchet goodies posts from particular recognized announcement options (many different kinds of people or things)ly in comparison with people from (shared online writing pages).

In the event there is always the grey spot with regards to the copyright laws importances involving FEED bottles, there is one thing you're able to do that will guide control the wholesale duplicating of your content. Complete as i do earlier talked about/said, and also change the (give food to/keep alive) to feature only a summary of the write-up, certainly not the whole word. (In WordPress, head to Controls & Looking at and also click on the "summary" radio press button next to the (how easy something is to get to, use, or understand), "For each and every document in a (give food to/keep alive), display ...")

On the other hand, I'd personally include i do pick up collected from one of writer whom (gave opinions about what could or should be done about a situation) that will Law Ratchet ended up being building whole word involving it is posts although it is Rss feed includes only summaries. In the event that is the event, it will suggest that Law Ratchet is scraping most of it is articles right from the original source.

CHAPTER 7

COPYRIGHT LAW IN INTERNET - INDIA

Protection of Copyright In the Digital Age: The Role and things we are responsible of ISPs in India

Violation of Copyright is not a new idea. However, in the current digital age, online protection of copyrights has become the best aspect of copyright protection. This paper will deal with online copyright violation and the almost the same something we are responsible with respect to Internet Service Providers (ISPs) in particular to web feeds or RSS Feed, the basic character in online copyright violation.

Over the last few years, European and American courts have seen more than two, but not a lot of cases where Internet Service Providers (ISP's) and such internet carriers have been sued for a variety of issues relating to copyright, ignoring and disrespecting of privacy, saying lies that hurt someone's reputation, etc. In such cases, problems, delays, etc.usually arise from the fact that copyright are usually bound by land-based limits which further become unclear and complex when it comes to the internet, resulting in confusion and conflict of law. The law on the (something you owe/something you're responsible for/disadvantage) of Internet Service Providers (ISPs) is yet to be applied in the Indian big picture. The Copyright Act, 1957 specifically excludes the recognition of copyright and other almost the same rights apart from those recognized under the Act. There is this way no common law copyright in India and no

place for applying tort law rules to find ISPs responsible for damage, as has been the position in the United States.

ISP (something you owe/something you're responsible for/disadvantage) In India:

In India, the approach of the law with respect to ISP (something you owe/something you're responsible for/disadvantage) is up-and-down. This means that the (something you owe/something you're responsible for/disadvantage) of a possible violator would depend on the area of law related for the particular type of violation. This approach has led to the establishment of (something you owe/something you're responsible for/disadvantage) of ISPs under the Copyright Act and the Information Technology Act, which are discussed below:

7.1 Indian Copyright Act, 1957:

The Indian Copyright Act, 1957 was modelled after the British Copyright Act of 1955. The Indian legal position this way reflects the British position in the CBS Songs Case, which prevents the application of the tort law rules of contributory and/or substitute liability but allows a copyright violation claim with respect to a failure or break of approval rights.

The Indian Copyright Act was drafted at time when the importance of the internet as it is today was obviously not expected/looked ahead to. It based on facts and other evidence has no talk about (something you owe/something you're responsible for/disadvantage) for ISPs in Copyright Violation cases as such. Though the Act has been changed to the end in 1994 and 1999, it still does not contain any express rule for figuring out or limiting ISP (something you owe/something you're responsible for/disadvantage). Even so, the careful choice of language has allowed it to be related to computers and science neutral, as well as open to understanding. This will be clear from the following legal rules, which could be understood/explained to have bearing on the (something you owe/something you're responsible for/disadvantage) of ISPs to a certain extent.

As per Section 51(a)(ii) of the Copyright Act ;

"Copyright in a work will be considered to be violated, when any person, without a licence granted by the owner of the Copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition (forced (on people)/caused an inconvenient situation) by an (able to do something well/very good) authority under this Act permits for (money made/good thing received) any place to be used for the communication of the work to the public where such communication makes up/is equal to a violation of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be a violation of copyright"

Now ISPs allow their servers and other telecommunication devices to store and transmit their users' data across the network. These servers and devices however are physically present in the business buildings/land of the Service Provider. That's the reason for they would come under the expression "any place" as said in the Act and be held responsible for storing and transmitting violated third party data if the other needed things are made happy (by meeting a need or reaching a goal). More than that the expression "permits for money made" is also of much importance. Hence to be responsible for damage the ISP must be benefitting related to money from the violating activities. ISPs earn from not only their service charges but also from advertising. Now if they offer some service for free, say illegal copyrighted material, they still Make Money from it through the advertisements that are bundled along with it.

Hence if the ISPs do transmit and store violated material, they could still be responsible if they satisfy the above two needed things. More than that, if the talked about/said needed things are made happy (by meeting a need or reaching a goal) they may also be responsible for damage criminally under Section 63 of the Copyright Act , which states;

"Any person who (in a way that hints or shows that something is known) violates or helps the violation of,

(a) The copyright in a work, or

(b) Any other right given/discussed by this Act,

Will be punishable with (state of being locked in a prison) which may extend to one year, or with fine, or with both."

Finally the expression, 'unless he was not aware and had no reasonable ground for believing that such communication to the public would be a violation of copyright'.

Finally the expression, 'unless he was not aware and had no reasonable ground for believing that such communication to the public would be a violation of copyright'. This expression is very important in the sense that the related to something you owe made up only if the ISPs have the knowledge of the violating material stored or being transmitted through their servers. That's the reason for the only exception to this (something you owe/something you're responsible for/disadvantage) is for the ISPs to prove that they did not know that their activities were causing harm to the copyright owner.

7.2 Information Technology Act, 2000

In India the legal rules relating to the ISPs are to an extent legislated in the IT Act, 2000 where an Internet Service Provider is referred to as "Network service provider". According to S. 79 (a) of the Act a Network Service Provider means an "(person who gets between two arguing parties to help them agree)". A (person who gets between two arguing parties to help them agree) again has been defined under Section 2(w) as "any person who for another person receives, stores, or transmits that message or provides any service with respect to that message."

Further, Section 79 in Chapter XII of the Act, which deals with cases where Network Service Providers are not to be responsible for damage states:

"For the removal of doubts, it is hereby declared that no person providing any service as a network service provider will be responsible under this Act, rules or rules made there under for any third party information or data made available by him if he proves that the offence or contravention was

committed without his knowledge or that he had exercised all very careful accounting review to prevent the commission of such Offence or contravention".

Section 79 this way frees from guilt or responsibility the (something you owe/something you're responsible for/disadvantage) of the ISP if it can prove that firstly, there was no knowledge of the possible violation, and secondly, very careful accounting review was taken to prevent such violation. It can be well understood/explained that the purpose of this law in this section is aimed at providing not able to be harmed to ISPs. This not able to be harmed is complete and total if the ISP can prove any of the above, namely lack of knowledge and very careful accounting review. If the ISP has notice of the fact that the data passed through its servers or stored in them likely violates the copyright of another, he is considered to have 'knowledge' about it and is under responsibility to employ appropriate measures to prevent the same. Further the expression 'due great care' is also included in the section. The degree of great care would be judged by reasonable standards expected of a person who is aware of an illegal activity happening or likely to happen. This has left the idea of (something you owe/something you're responsible for/disadvantage) in India a very unclear and limited.

Therefore, to put it in a nutshell, the major limits of the Indian law when it comes to deal with to the problem of online copyright violation are;

(a) The unclear legal rules of section 79 of the IT Act, which leave enough scope for people in charge to tease and threaten over and over again in a mean way ISPs in matters where their (something you owe/something you're responsible for/disadvantage) comes into question.

(b) The expression "due great care" is important in deciding the (something you owe/something you're responsible for/disadvantage) of ISPs. Unfortunately the term has not been defined in the whole Act. This creates confusion and confusing double-meaning among the ISPs as to the exact understanding of 'due great care'.

(c) Neither the Copyright Act nor the IT Act classifies or defines an ISP. ISP (something you owe/something you're responsible for/disadvantage) , if included within the IT Act, is in a mistaken way same for one who acts as only a little communication carrier such as telephone network operators, and one who is responsible for move from one place to another of data via the internet. It is therefore very important that the difference is made clear and that these two things Network Providers & Internet Service Providers are classified in that way.

ISP (something you owe/something you're responsible for/disadvantage) In the USA and Europe:

In the USA and Europe, wherever lawsuits questioning the (something you owe/something you're responsible for/disadvantage) of the ISP have come up, the two common grounds of defence have been the following:

(a) Firstly, ISPs claim that they are just "allowing something to happen without reacting or trying to stop it carriers" and they play the role of only a little messenger and not as of a publisher. In the case Fonovisa v Cherry Sells to the highest payer, the court had said that "supplying the site and facilities for direct violation is 'materially giving' to the violating conduct and must attract liability". However in the case Sony v Universal Studios the court rejected the suggestion and held that "only providing means to complete violating activity was not good enough without helpful knowledge of the violating activity".

(b) Secondly, it is impossible to make sure that all the data flowing through its servers does not violate any person's copyright. Given that the related to tiny, weird movements of atoms of data passing through their systems are huge, it is highly not practical to expect ISPs to be able to screen the content in the whole thing. More than that even post examining and testing so a decision can be made, 100% quality of being very close to the truth or true number cannot be completed or gained with effort to prevent every single instance of copyright violation. In the case Religious Technology Service Centre v Netcom , the court held that information providers only offer an opportunity to publish and are unable to exercise any influence on, or what people say on the internet.

We this way see that the two basic defences argued by the ISPs are the fact that they are just allowing something to happen without reacting or trying to stop it) carriers of data and are in no way to an important extent involved in the conduct of violation and secondly that it is practically impossible to screen all the data passing through their servers.

In the United States the law related to online copyright violation is dealt with in the Digital Millennium Copyright Act (DCMA), in effect from 1998. Title II of the DCMA, referred to as the "Online Copyright Violation (something you owe/something you're responsible for/disadvantage) Limitation Act" (OCILLA) lays down the limits on the (responsibility for/blame for) online copyright violation. What's more, section 512 of the Act provides for limitation of (something you owe/something you're responsible for/disadvantage) online. Each of the limits in the act restricts money-based damages while restricting the availability of getting a court order in different respects. The OCILLA creates a safe harbour for Internet Service Providers, if they stick to certain guidelines set for them. They are protected from copyright (something you owe/something you're responsible for/disadvantage) if they block claimed to be violating material on receipt of notice from the copyright holder. Further, OCILLA has legal rules for counter-notice, during which Service Providers are harboured from (something you owe/something you're responsible for/disadvantage) to their users upon notice from such users claiming that the possible material in question be equal to violation.

Another aspect to be taken into consideration is the idea of Digital Rights Management (DRM). DRM is a class of access control technologies that are used by hardware manufacturers, publishers, copyright holders and people with the intent to limit the use of digital content and devices after sale. These ways of doing things allow copyright/patent rules to be embedded directly in the basic equipment needed for a business or (community of people/all good people in the world) to operate of online content distribution. Current DRM technologies try to force people out of a house because they didn't pay violations of copyright by restricting users' interactions with online content.

Both the United States and the European Union give certain protections to internet service providers as well as content providers. As up until now talked about, no (something you owe/something you're

responsible for/disadvantage) caused an inconvenient situation on them unless service providers are clearly told of the possible violation.

End/end result:

The law relating to ISP (something you owe/something you're responsible for/disadvantage) is unclear and undefined, and is helping an change in the (something you owe/something you're responsible for/disadvantage) of wrongful users on ISP's, making them the person who takes the blame for bad things of not enough set of laws. There is therefore a very important need to incorporate express in the Indian Copyright Act or the Information Technology Act related to ISPs. In order to pave way for sound laws and law making relating to ISP (something you owe/something you're responsible for/disadvantage) in India, it is very important to address some of the key issues said hereunder;

a) First and most importantly, there is a very important need to outline the definition of an Internet Service Provider. Unless the identity and role of an ISP is clearly specified, the law will be incomplete with regards to any of the other aspects. The term "due great care" in the IT Act also needs to be defined clearly as the (something you owe/something you're responsible for/disadvantage) of ISPs mostly depend on the factor of very careful accounting review being present or not.

b) It is suggested that the (something you owe/something you're responsible for/disadvantage) of the ISP should be based on the degree of involvement in the possible violation. Classifications as prepared in the DCMA can be used as an effective tool so that the (something you owe/something you're responsible for/disadvantage) of ISPs may clearly be identified. While effective measures must be secured/made sure of so that ISPs cannot free from guilt or responsibility their (something you owe/something you're responsible for/disadvantage) by giving silly and unimportant/not serious in a disrespectful or inappropriate way excuses, care should be taken that ISPs are not held responsible where they act as pathway providers and are at not at actual fault. In order to complete or gain with effort this, it is very important that proper classification of the ISPs, based on their roles in the network system is carried out.

c) Legal rules must be incorporated to deal with the related to managing money aspect of transaction between the ISP and a third party. The relation between the service provider and the subscriber also needs to be dealt with. This would help in the separation of rights and duties between the provider and subscriber and therefore add/give to resolve the problem of (mistake in understanding) relating to the question of (something you owe/something you're responsible for/disadvantage).

d) Finally, the Information Technology Act must make it needed/demanded for ISPs to end services of subscribers who over and over again violate copyrights and work at violation of copyrights. The Digital Millennium Copyright Act makes it needed/demanded for the ISPs to follow such policies in order for them to able to be picked for protection under 'safe harbour protection'.

The ISPs play an important role in the growth of the internet, and so enable transactions and communications between millions and millions of users. The not being there; not being present of specific laws defining the (something you owe/something you're responsible for/disadvantage) of ISPs, result in the constant causing responsibility for any or all of their transactions and not doing anything, interfering with the growth of the internet. With a view to better prepare Indian laws dealing with ISP responsibility for copyright violation by third parties, the IT Act needs attention to some very fine, yet important issues without which the ISPs and their role could become terrible to the internet.

7.3 COPYRIGHT INFRINGEMENT IN CYBER SPACE

Section 51 of the Copyright Act, 1957 lays down the (legal rules/food and supplies) relation to the violation of copyright. It does not (clearly/for a single purpose) provide as to whether such violation happened in the world of computers or in physical world. If we read the language of the Section 51 along with the Section 14 of the Copyright Act, 1957 it becomes clear that reproducing any copyrighted work, issuing copies of the work to the public or communicating the work to the public would amount to the copyright violation under the Act.

But, in case of linking or in-lining there is no reproduction of any copyrighted work. The reproduction happens at the end of the user who visits the linked page via link. Let us explain the copyright violation in respect of linking, framing and in-lining along with the (ability to be used for something) of Indian Copyright Act, 1957 to deal with these issues.

LINKING

Linking means the joining of any two web pages on Internet. A link is an embedded electronic address that points to another location and takes the user there. A link may lead either to another file in the same website, or to a file on a different computer located in other places on the Internet. It might be possible that a numbers of links appear on a single web page. Linking may be of two types, deep linking and surface linking. In case of Surface Linking the home page of any site is linked while Deep Linking means going around the home page and linking to the internal pages within the web site.

Section 2(ff) of the Indian Copyright Act, 1957 defines the term "communication to public" in the following words:

"Communication to public means making any words 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 copies of such work regardless of whether any member actually sees, hears or otherwise enjoys the work so made available."

The explanation to this section further provides to include any communication through satellite or cable. Therefore, this definition covers the contents of a web site on internet because of expression "by any means of display". Therefore, linking comes within the ambit of Indian copyright law. If any linking is done to the harm of any site, its owner can take access to help to legal fix (for a disease) under Indian Copyright act, 1957.

In-lining

The term 'In-lining' refers to the creation of a new web page by calling for different elements from (many different kinds of people or things) pages or servers. If any user casually looks (at) this (made up of different things) web page, this page will direct the browser to get the pictures, graphics etc. from the original sources.

In case of inline linking the user may never come to know that the contents of the (made up of different things) page have not been stored at the site has being visited by him. The inline linking is not covered by the Section 14 and 51 of the Indian Copyright Act, 1957 as the person employing an inline link on his site is not causing any reproduction of the copyrighted contents. But, the definition of the 'communication to public' as gave/given under section 2(ff) of the Copyright Act can be understood/explained to include 'inline linking' because of the expression 'by any means of display'.

On the other hand Section 14(a)(vi) of the Act grants the right of helpful change only to the author of copyrighted work. By in-lining the linking site could take some elements from the linked site's settings (in other words) pictures, text, film clips etc. and create its own site. This amounts to a violation of helpful change rights of the author.

In-lining creates questions of right and wrong also. Section 57 of the Copyright Act, 1957 guarantees special rights of the author of any copyrighted work which is negatively/badly affected by the practice of in-lining. Though, the Act does not (clearly/for a single purpose) provides for making in-lining illegal, but any change or severe injury to the contents of a web site without the express permission of the owner of the copyrighted material amounts to a violation in the eye of copyright law of India.

Section 57

Independently of the author's copyright and even after the assignment either completely or partially of the said copyright, the author of a work will have the right-

to claim authorship of the work; and

to limit/hold down or claim damages in respect of any distortion, severe injury, change or other act would be (related to having wrong, pre-decided ideas) to his honor or reputation:

Gave/given that the author will not have any right to limit/hold down or claim damages in respect of any helpful change of a computer programme to which clause (aa) of sub-section (1) of section 52 applies.

Explanation - Failure to display a work or to display it to the happiness (from meeting a need or reaching a goal) of the author will not be considered to be a violation of the rights gave/discussed by this section.

Apart from this, (something you owe/something you're responsible for/disadvantage) has also been fixed on the Internet Service Providers and Network Service Providers for the violation of copyrights.

(legal rules/food and supplies) for the (earlier-said) have also been incorporated in the Information Technology Act, 2000, which holds the ISPs' responsible for the violation of copyrights.

7.3 Linking in relation to the Indian Law:

What (something you owe/something you're responsible for/disadvantage) is there for the content on a linked website? A hyperlink used by a web site does not directly cause copying of any (enough to be meaningful) content of anyone, but instead only provides a pointer to another site. A surface link to a home page does not generally require permission. But, what exactly can be the (responsibility for/blame for) a deep link under the copyright act of India?

Further, Section 51 of Indian copyright act states:

51. When copyright violated.-Copyright in a work will be considered to be violated-

(a) When any person, without a license granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a license so granted or of any condition (forced (on people)/caused an inconvenient situation) by an (able to do something well/very good) authority under this Act-

(i) does anything, the exclusive right to do which is by this Act gave/discussed upon the owner of the copyright, or

(ii) permits for (money made/good thing received) any place to be used for the communication of the work to the public where such communication makes up/is equal to a violation of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be a violation of copyright; or

(b) When any person-

(i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) Distributes either for the purpose of trade or to such an extent as to affect (related to having wrong, pre-decided ideas)ly the owner of the copyright, or

(iii) by way of trade shows in public, or

(iv) imports into India, any violating copies of the work

Gave/given that nothing in sub-clause (iv) will apply to the import of one copy of any work for the private and domestic use of the importer.

As per the (legal rules/food and supplies), and speaking technically, a linking page does not reproduce any information, it only directs the user to the website where the content that he desires is present. Anyway, the linking site is helping in the distribution of work.

Looking from another angle, Section 2(ff) states:

2(ff) "communication to the public" means making any work 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 copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available.

This definition of communication to the public could be stretched to cover the communication of contents of a Web site on the Internet as the expression 'by any means of display' has been used to define communication.

Deep linking is an important part of today's Internet time in history, and without deep linking, the communication of data over the Internet would be made/gave/given impossible, and the search engines would stop functioning. But, this idea of deep linking is different from what is done by a competitor in a business world with his competitor. The content displayed or linked by a search engine is different from what is done by a business web site. So, keeping these things in mind, should the law be changed/added to the end to stop deep linking within a web site without the owner of the content? No law, neither in India, nor in other countries, has completely blocked/forbidden deep linking, but the cautious and wise course of business must be to link with the express permission of the owner of the content.

In lining:

In lining or in-line linking enables a web page to call for different elements from (many different kinds of people or things) pages or servers to create a new web page. Instead of copying the elements to the (made up of different things) page, the elements are linked in by pulling in graphic or image files from another site and displaying on the (made up of different things) web site.

In lining in relation to Indian Law:

In lining can be expressed dealt under Section 14(a) (vi) of Indian copyright law, which grants the right of helpful change only to the owner of the copyrighted work. By in lining the linking site could take some elements from the linked site's (combining video, sound, words, and pictures together) settings and create its own site, by that/in that way affecting the right of making a similar work of the linked site, because taking some elements from the (combining video, sound, words, and pictures together) settings and combining them with some other could well fit into the definition of helpful change. So, adaption rights do come in picture vis-À-vis in lining.

Framing:

A Frame is an independently controllable window on a web site through which pages from another web site can be viewed. Web browsers allow web authors to divide pages into frames. This technology of framing was developed by Netscape and was introduced in 1996, and is now a common technology used on many web pages.

Indian law vis-À-vis framing:

Framing can also be linked to section 14(a)(vi) as in case of inlining. Section 14(a)(vi) grants the right of helpful change, only to the owner of the copyrighted work. The framing site could take some elements from the framed web site's (combining video, sound, words, and pictures together) settings and create its own, by that/in that way affecting the right of making a similar work of the framed site because taking some elements from the (combining video, sound, words, and pictures together) settings and combining them with some other could well fit into the definition of helpful change. So, derivation and helpful change rights do come in picture face-with framing.

7.4 LIABILITY OF INTERNET SERVICE PROVIDERS FOR COPYRIGHT INFRINGEMENT

The issue of online copyright violation for ISPs has been in debate worldwide ever since the rise in the use of Internet in the early 1990's. The question as to the (something you owe/something you're responsible for/disadvantage) of ISPs in relation to the violation of copyrights has been a matter of debate for quite a long time now. On one side of the argument, it can be said that the ISPs are to be made responsible for damage as it is very hard to point out and (force (on people)/cause an inconvenient situation) (something you owe/something you're responsible for/disadvantage) on individual users, whereas on the other hand, we may say that the ISPs are mere (allowing something to happen without reacting or trying to stop it) carriers of information, just like telecom companies, and

therefore, must be granted some limitation from (related to something you owe) relating to/connected to copyright violation. Also, making ISPs responsible for damage could also stop the growth of the Internet.

(something you owe/something you're responsible for/disadvantage) of ISPs under the Copyright Act, 1957:

When the copyright act was framed, it was not framed in relation to an important thing/big event called the Internet. Even after its change in 1994 and 1999, it does not contain any express rule for deciding/figuring out or limiting the (something you owe/something you're responsible for/disadvantage) of ISPs. However, some (legal rules) of the act can be said to have some relevance with the (something you owe/something you're responsible for/disadvantage) of the ISPs.

As per Section 51 Indian Copyright Act 1957: Copyright in a work will be considered to be violated

(a) when any person, without a license granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a license so granted or of any condition (forced (on people)/caused an inconvenient situation) by an (able to do something well/very good) authority under this Act—

(ii) permits for (money made/good thing received) any place to be used for the communication of the work to the public where such communication makes up/is equal to a violation of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be a violation of copyright

So, as per this section, the expression 'permits for profit' means that if an ISP violates a right of someone for (money made/good thing received), he can be held responsible for the violation and also, it can be covered under the expression 'any place' as the computer servers are located at their business buildings/land. The expression 'unless he was not aware and had no reasonable ground for believing that such communication to public would be a violation of copyright', is significant in the sense that ISPs are responsible for damage only if they have knowledge of the violating material stored or passing through their servers.

Further, 'any person who (in a way that hints or shows that something is known) violates or helps the violation of copyright...' is made criminally responsible under the Act

The (something you owe/something you're responsible for/disadvantage) of ISPs under the Information Technology Act, 2000:

In India, the (legal rules/food and supplies) relating to the ISPs are specifically legislated under the IT Act, 2000 where an ISP is referred to as a network service provider and is defined as:

"Network Service Provider" means a (person who gets between two arguing parties to help them agree).

(person who gets between two arguing parties to help them agree) again, has been defined as:

"(person who gets between two arguing parties to help them agree)" with respect to any particular electronic message means any person who for another person receives, stores or transmits that message or provides any service with respect to that message.

Further, the act contains a clause, which limits the (something you owe/something you're responsible for/disadvantage) of ISPs under certain facts or conditions (that surround someone) 24 :

Network service providers not to be responsible for damage in certain cases

For the removal of doubts, it is hereby declared that no person providing a service as a network service provider will be responsible under this Act, rules or rules made there under for any third party information or data made available by him if he proves that the offence or contravention was committed without his knowledge or that he had exercised all very careful accounting review to prevent the commission of such offence or contravention.

So, as seen from the above (legal rules/food and supplies), the IT Act, clearly (shows the border or limit of something) the (things you owe/things you're responsible for/disadvantages) and (permissions to not do something) (forced (on people)/caused an inconvenient situation) over and granted to the ISPs, which had not been done in the copyright act.

CONCLUSION

As is clearly obvious from the above discussions, the Internet, and (after that) the move (from one place to another) of data via Internet is increasing at a fast rate, and is also, (after that) giving rise to dangers/risks such as copyright violation. Although, it is not possible to delimit the activities in totality on the Internet, still, some (related to doing things to prevent trouble or injury) measures can be taken (related to/looking at/thinking about) the same so that the rights of the producer or the author can be

protected and safeguarded. The ISPs must also be aware that the data being stored or moved (from one place to another) through their servers, must not violate the copyright of any one, and so help in securing/making sure of a steady and at the same time perfect growth of the Internet.

CHAPTER 8

COMPARISON BETWEEN US AND INDIA- FAIR USE

Introduction:

8.1 Critical analysis: The only way to control/to reduce the copyright issue (related to/looking at/thinking about) RSS feed adopted by both the countries is the idea/belief of fair use. But in India its application differs with that to United States and hence to make it crystal clear a (related to careful studying or deep thinking) (using different things) of this idea/belief is necessary.

In its definition of copyright, the US Copyright Office states that copyright has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work. Indian law, on the other hand, supplies a law-related definition of copyright in section 14 of the Copyright Act of 1957.

On a general level, copyright is a positive privilege that grants exclusive rights to the author of a copyright or approves others to benefit from a copyrighted work. It is interesting that the US, unlike any other nation, in its Constitution, under Article 1, Â§ 8, Clause 8, the Copyright Clause, refers to copyrights in the same breath as patents. Patents, unlike its (agreeing with, or related to, the Constitution) co-existent, are a negative right to prevent others from fully using (for profit) a patented invention.

Copyright gives a bundle of exclusive rights to the author of a copyrighted work with respect to the reproduction of the work, and other specified acts, to enable the author to receive money-based benefits by exercising such rights and in that way encourage invention of new things. If a person without due permission exercises any of the rights within this bundle, then such an act is a violation upon the author's copyright in the work. Copyright violation is statutorily defined in both India and the US. Like other legal rights, copyright too is not complete and total but is subject to limits and exceptions. The set of laws of copyright does not completely and totally prohibit the use of a copyrighted work, but, in fact, allows a person to use a copyrighted work under certain exceptions. One such exception is "fair use." The term fair use, although undefined under both US and Indian copyright law, has its spirit captured in laws (and law making), with the (law-related)ly received/made from factors being listed under 17 USC Â§ 107, and Â§ 52 of the Copyright Act of 1957, creating and displaying certain acts not amounting to violation."

Before we research/dig deeper into the discussion of fair use and (related to legal control) differences, it is extremely important to understand the basics of fair use. Fair use is an exception to the rights of the author which allows limited use of copyrighted material without the author's permission.

For instance, fair use does not allow reproduction of a whole work or a big part of such work, but, rather, extracts or quotations from the work are permitted, such that they do not appear to grab the first author's expression of his or her idea. If, in a law-related construction, there is no idea/plan of fair use then any use by an unlicensed person, however tiny amount, is a violation on the rights of the author. To be clear, any unauthorized use of a copyrighted work is normally a violation and fair use acts as a defense of that/of it -- the defense of fair use does not necessarily order a non-violating action. The unlicensed user admits that he has used the work, which would normally make up/be equal to copyright violation, but gives a good reason for his use as covered within the fair use exception.

There is a minor difference in words/word choices relating to/connected to the idea of fair use in the US and India. US law uses the term "fair use," while British and Indian law uses the term "fair dealing." The earliest discussion of fair dealing can be traced to Gylesv.Wilcox a decision from the Court of Chancery in England in which Lord Chancellor Hardwicke introduced the idea of "fair shortening." In the US, Justice Joseph Story laid the foundation for the idea of fair use and shortening in Folsom v. Low, wet land with a four-factor test. Today, it stands as the basis for the fair use idea/belief now (put into law) under US law. However, from the Folsom decision in 1841 until the (doing/putting into law) of the Copyright Law, 17 USC Â§ 107, in 1976 that incorporated the four-factor test, fair use in US law was only a common law

idea/belief. One of the earliest Indian cases to discuss unfair use within the domain of copyright was Macmillan and Company v. K. and J. Barrel-maker , which was decided based on the India's earlier Copyright Act of 1914.

CHAPTER 9

RECOMMENDATIONS

Carefully studying and comparing the legal stand of both the countries (in other words) India and united state it is clear that there is no such evenness and equality in the existing laws. Since there is an idea (you think is true) that the contents in RSS protected by copyright laws but there is not a (controlled by one central place) government body to what is right and wrong. That is not to say there are not things that can be done to protect feeds. At the end of the day (acting to prevent problems before they happen) is the best way to protect copyright/patent.

In spite of idea/belief of fair use in United States they face serious problem as it is very hard to decide whether a work is really de minimis, or an instance of copyright small and unimportant.

if~The paper admits that there are few legal certainties in this area and that all the related law is very fact-specific making it very hard to look at past cases and apply them to the current situation. In short, the paper doesn't and can't risk guessing about the lawfulness of grouping though it does lay down five "best practices" for aggregators to follow to lessen their risk.

Those practices as per my opinion includes:

-Reproduce only those parts of/amounts of the headline or article that are necessary to make your point or to identify the story. Do not reproduce the story -all of it-

-Try not to use all, or even the bulk, of articles available from a single source. Limit yourself to those articles that are directly related to your audience.

-Boldly and clearly identify the foundation of the article.

-Whenever possible, link to the (like nothing else in the world) source of the article.

-When probable, provide big picture or explanation/statement of opinions for the material you use.

All in all, the paper highlights the ways that the technology of the Web and common practices on it have gotten ahead of both the written law and case law in this area, creating a great deal of doubt for all involved.

FAIR USE

It is highly unlikely that any copyright lawyer would attempt to bring forward a fair use defense to protect a scraper. Even if one did, it would probably be shot down cold. While scrapers can help their case by taking only shorter little pieces and carefully attributing their use, even that produces problems as the use still does not "character of use" test. Simply put, fair use is not a license to do what one will with another's work, even if it isn't for (money made/good thing received). Fair use is a pointed right that is targeted mostly at education, news and other public services. It has never been used successfully to protect the scraping of creative works.

PROTECT YOURSELF

Though the current legal and (honest and right) climate makes it clear scrapers should not depend on any kind of suggested license, neither should copyright holders. Attitudes and legal opinions can change at any time and there is no reason to leave any room for doubt. It takes no time to protect you against the misunderstandings and uncertainties around RSS scraping. It's best to do so. Otherwise, you might not be able to tell the bad guys from the good guys. That alone creates a very confusing, and very dangerous, (surrounding conditions) for everyone.

