

## **Awareness of Infringement and Legal Remedies of Creator in Light of Copyright and Creative Common Licenses.**

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### **Abstract :**

*The evolution of intellectual property laws, from the early library networks to modern digital frameworks, reflects a growing need to manage and share information effectively. The Paris Convention (1883) and Berne Convention (1886) established crucial legal protections for intellectual property, influencing copyright laws globally, including India's Copyright Act 1956, which was updated in 2015 with great impact and updates.*

*The rise of digital platforms has complicated intellectual property management. While traditional copyrights provide exclusive rights for a set term, Creative Commons (CC) licenses offer flexible sharing options. Misconceptions about CC licenses, such as their applicability only to open-source software or non-commercial use, persist despite their broad legal validity.*

*A survey in two Amravati colleges reveals varying levels of awareness and understanding of copyright and CC licenses among researchers, with law students showing greater familiarity than science students. This underscores the need for improved education and simpler licensing terms to enhance collaboration and support research. The study suggests promoting open-access publishing and developing clearer, India-specific guidelines to address these challenges.*

*Keywords : infringement, Intellectual property rights, copyright act, creative commons.*

### **Introduction :**

Ab anitio books or written documents play a very crucial role to development of the country, that's why the ancient time the chain documents or chain libraries concept are emerged and utilized, only the higher authority rights to used and allow to access it. Day by day the chain books or chain libraries concept are blur and new concept are emerged like information society, information services, information transmission, invisible colleges, research groups etc. After the First World War Industrial Revolution was considered as the most important part of the development of the countries and on this basis the Paris Convention 1883 was established and the European countries agreed to create laws to provide legal protection to trade marks, patents, industrial designs etc. But within a few years that they realized the importance of information and In 1886, the Berne Convention created a copyright law to legally

protect the rights of creators and all participating countries to implement similar laws in their countries, and a few years later, a law was passed in Paris Convention to protect neighbouring Rights. In India, the concept of IPR was adopted in 1856 during the British Indian period, but the Copyright Act was adopted after independence in 1956 and applied throughout India except J & K. But after 2015 this Act was extended to J & K. The information revolution create an infinite amount of information led to the use of the Internet to publish online, and since the 20th century, it has been unstoppable to publish information broadcast online. All this has an impact on the rights and monetary gain to the creator, so it is necessary to be aware of the law and rights of the creator. For the benefit of the public purpose to publish the information with minimum restrictions and to know what action can be taken if the rights infringe or violated.

### **Significant developments of library networks**

- 1960s-1970s: Early library networks emerged, focusing on resource sharing and coordination among libraries. The Indian National Scientific Documentation Centre (INSDOC) played a key role in establishing these networks.
- 1980s: The advent of technology enabled the development of online library networks. The National Information System for Science and Technology (NISSAT) and the Indian Library Network (INFLIBNET) were established during this period.
- 1990s: The internet and web technologies further transformed library networks. INFLIBNET expanded, and new networks like the Delhi Library Network (DELNET) emerged.
- 2000s: Library consortia and resource-sharing initiatives gained momentum. The UGC-Infonet Digital Library Consortium and the INDEST-AICTE Consortium were established to provide access to e-resources.
- 2010s: Cloud computing, social media, and mobile technologies influenced library networks. Initiatives like the National Digital Library of India (NDLI) and the Indian Research Information Network System (IRINS) were launched.

### **Copyrights:**

1. Automatic rights granted to creators for original works (literature, music, art, etc.)
2. Exclusive rights to reproduce, distribute, and display the work
3. Protection for a certain number of years (typically the creator's lifetime + 70 years)
4. All rights reserved by default
5. Legal protection to the original work, in case the infringement will happen then the creator has right to sue against the infringement. There are two rights are available first is Civil right and second is Criminal right.

**Creative Commons (CC) licenses:** Creative Commons are firstly introduced by the Lesing in 2004, Creative Commons is not profit organization which provide the

openness material with certain legal rights, with free culture platform. There are some important information regarding the creative commons.

1. CC licenses are voluntary licenses that creators can apply to their work.
2. These licenses allow others to use, share, and build upon the work under specific conditions.
3. CC licenses offer flexible options for sharing and reuse, while still allowing creators to retain some rights.
4. CC licenses are applied on top of existing copyrights, not instead of them.

**CC license types:**

1. CC0: Dedicates the work to the public domain, waiving all rights.
2. CC BY: Allows others to use, share, and adapt the work, with attribution.
3. CC BY-SA: Allows others to use, share, and adapt the work, with attribution and share-alike conditions.
4. CC BY-ND: Allows others to use and share the work, with attribution, but no derivatives.
5. CC BY-NC: Allows others to use and share the work, with attribution, but only for non-commercial purposes.
6. CC BY-NC-SA: Allows others to use, share, and adapt the work, with attribution, share-alike, and non-commercial conditions.
7. CC BY-NC-ND: Allows others to use and share the work, with attribution, but only for non-commercial purposes and no derivatives.

**Key differences:**

1. Default rights: Copyrights reserve all rights, while CC licenses intentionally relax some rights.
2. Permission: Copyrights require permission for use, while CC licenses grant permission in advance.
3. Flexibility: CC licenses offer various levels of sharing and reuse, whereas copyrights are more restrictive.
4. Duration: Copyrights have a fixed term, while CC licenses can be applied for any duration.

**Here are some common misconceptions about Creative Commons licenses:**

1. Myth: Creative Commons licenses are only for open-source software.  
Reality: Creative Commons licenses are for creative works like images, music, literature, and more.
2. Myth: Creative Commons licenses mean giving up all rights.  
Reality: Creative Commons licenses offer flexible options for sharing and reuse while retaining some rights.
3. Myth: Creative Commons licenses are only for non-commercial use.

Reality: Some Creative Commons licenses allow commercial use, while others do not.

4. Myth: Creative Commons licenses are not enforceable.

Reality: Creative Commons licenses are legally binding and enforceable.

5. Myth: Creative Commons licenses are only for individuals, not organizations.

Reality: Both individuals and organizations can use Creative Commons licenses.

6. Myth: Creative Commons licenses mean anyone can use my work without crediting me.

Reality: Most Creative Commons licenses require attribution.

7. Myth: Creative Commons licenses are incompatible with copyright law.

Reality: Creative Commons licenses work within copyright law to provide more flexible options.

8. Myth: Creative Commons licenses are only for digital works.

Reality: Creative Commons licenses can be used for both digital and physical works.

#### **Some examples of CC licenses in Indian culture:**

- The Indian government's Open Government Data Platform, which uses CC licenses to make government data available for public use.

- The Wikimedia Foundation's efforts to digitize and make available Indian cultural heritage content under CC licenses.

- The use of CC licenses by Indian artists, musicians, and writers to share their work and facilitate collaboration and innovation.

#### **Copyright Infringement Remedies:**

1. Injunctions: Court orders to stop the infringing activity. (e.g., *Apple Records v. Apple Computer*, 2006)

2. Damages: Monetary compensation for losses suffered. (e.g., *Sony BMG v. Tenenbaum*, 2009)

3. Attorney's Fees: Recovery of legal fees. (e.g., *Fogerty v. Fantasy*, 1994)

4. Seizure and Destruction: Confiscation and destruction of infringing materials. (e.g., *Wiley v. Kirtsaeng*, 2012)

#### **Creative Commons License Remedies:**

1. Termination of License: Revocation of the license. (e.g., *Jacobsen v. Katzer*, 2008)

2. Injunctions: Court orders to stop the infringing activity. (e.g., *Prilosec v. Gastropex*, 2010)

3. Damages: Monetary compensation for losses suffered. (e.g., *Artifex v. Hancom*, 2017)

4. Declaratory Relief: Court declaration of rights and obligations. (e.g., *Great Minds v. Office Depot*, 2017)

**Indian Case Laws (Related to Copyrights and Creative Common License):**

1. Microsoft Corporation v. Deepak Raval (2007): Microsoft won an Anton Piller order against software piracy.
2. Prof. S.K. Goyal v. Union of India (2011): The court granted an injunction for infringement of a Creative Commons license.
3. Super Cassettes Industries Ltd. v. Music Broadcast Pvt. Ltd. (2012): The court ruled on copyright infringement and royalties.
4. Delhi High Court v. S. Khushboo (2019): The court clarified the scope of copyright protection in India.

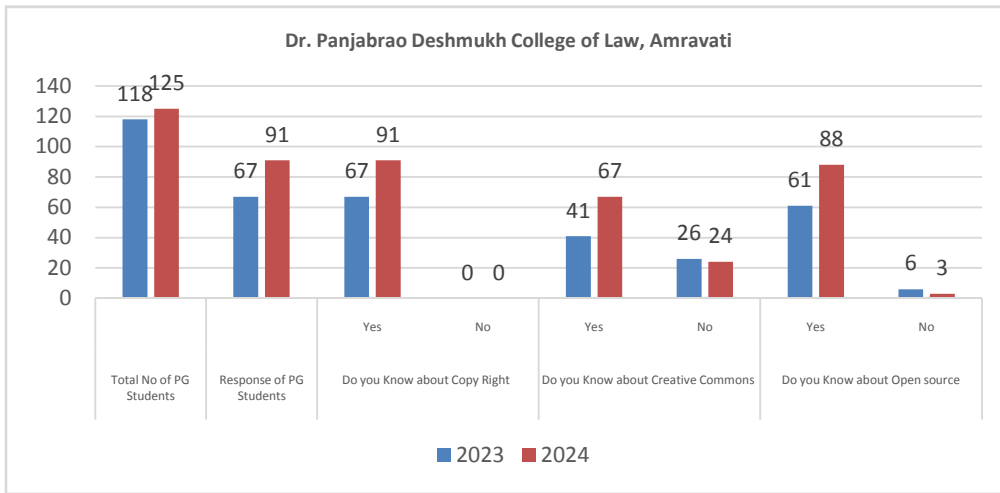
**Case Laws (Related to Copyrights and Creative Common License):**

1. Apple Records v. Apple Computer (2006): Apple Records sued Apple Computer for trademark infringement and won an injunction.
2. Sony BMG v. Tenenbaum (2009): Joel Tenenbaum was ordered to pay \$675,000 in damages for copyright infringement.
3. Fogerty v. Fantasy (1994): John Fogerty won attorney's fees in a copyright infringement case.
4. Wiley v. Kirtsaeng (2012): Wiley won a seizure and destruction order for infringing textbooks.
5. Jacobsen v. Katzer (2008): The court ruled that a Creative Commons license was enforceable.
6. Prilosec v. Gastropex (2010): The court granted an injunction for infringement of a Creative Commons license.
7. Artifex v. Hancom (2017): Artifex won damages for infringement of a Creative Commons license.

**Taking a short survey about the awareness of Copyright Act, Creative Commons License and Open Access on Two Colleges in Amravati district.**

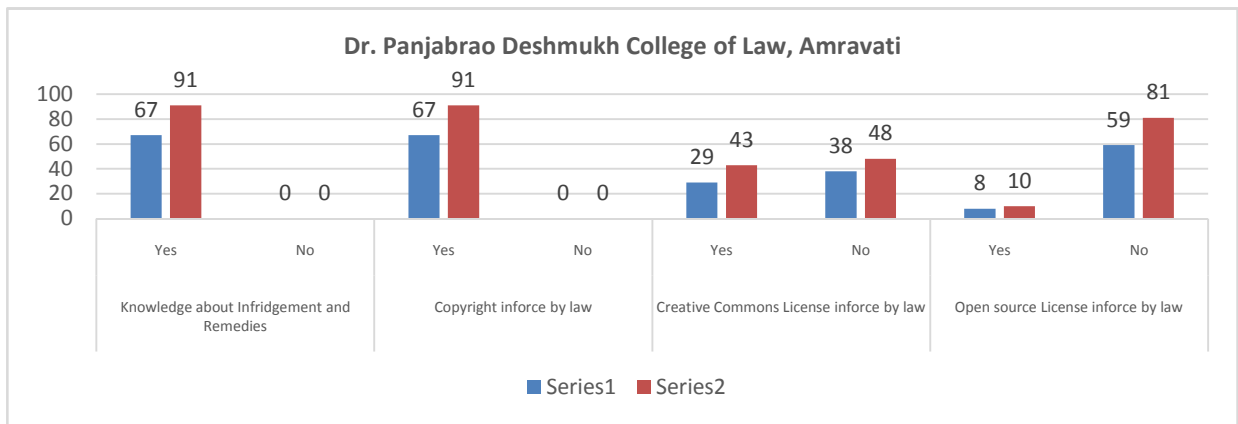
**Dr. Panjabrao Deshmukh College of Law, Amravati**

Year	Total No of PG Students	Response of PG Students	Do you Know about Copy Right		Do you Know about Creative Commons		Do you Know about Open source	
			Yes	No	Yes	No	Yes	No
2023	118	67	67	0	41	26	61	6
2024	125	91	91	0	67	24	88	3
<b>Total</b>	<b>243</b>	<b>158</b>	<b>158</b>	<b>0</b>	<b>108</b>	<b>50</b>	<b>149</b>	<b>9</b>



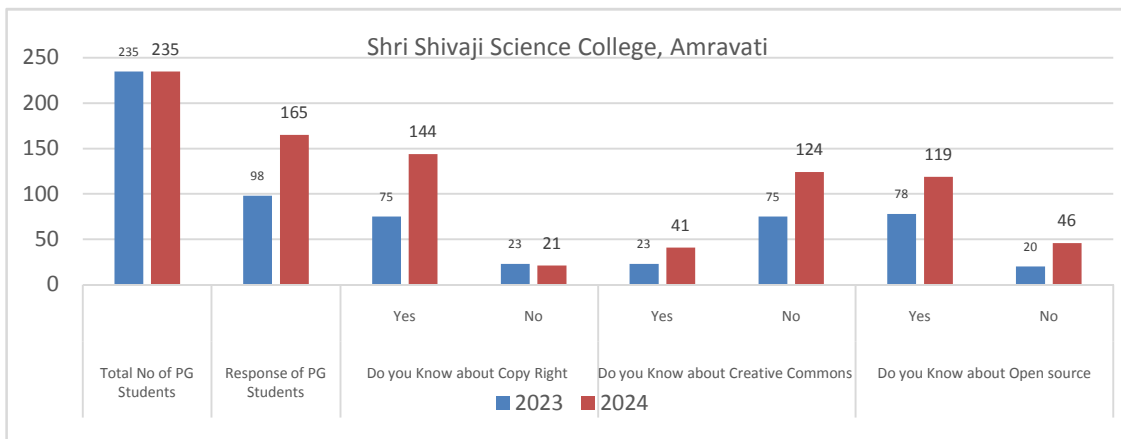
**Dr. Panjabrao Deshmukh College of Law, Amravati**

Year	Knowledge about Infringement and Remedies		Copyright inforce by law		Creative Commons License inforce by law		Open source License inforce by law	
	Yes	No	Yes	No	Yes	No	Yes	No
2023	67	0	67	0	29	38	8	59
2024	91	0	91	0	43	48	10	81
<b>Total</b>	<b>158</b>	<b>0</b>	<b>158</b>	<b>0</b>	<b>72</b>	<b>86</b>	<b>18</b>	<b>140</b>

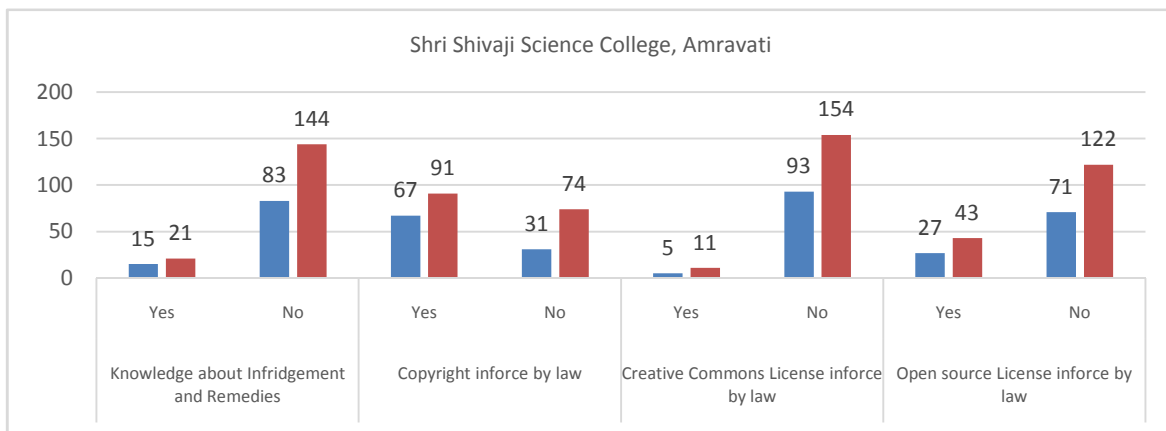


**Shri Shivaji Science College, Amravati**

Year	Total No of PG Students	Response of PG Students	Do you Know about Copy Right		Do you Know about Creative Commons		Do you Know about Open source	
			Yes	No	Yes	No	Yes	No
2023	235	98	75	23	23	75	78	20
2024	235	165	144	21	41	124	119	46
<b>Total</b>	<b>470</b>	<b>263</b>	<b>219</b>	<b>44</b>	<b>64</b>	<b>199</b>	<b>197</b>	<b>66</b>



Year	Knowledge about Infringement and Remedies		Copyright enforce by law		Creative Commons License enforce by law		Open source License enforce by law	
	Yes	No	Yes	No	Yes	No	Yes	No
2023	15	83	67	31	5	93	27	71
2024	21	144	91	74	11	154	43	122
Total	36	227	158	105	16	247	70	193



Now Present study conducted the analysis into two reputed colleges in Amravati district, were the data were collected and analysed using the statistical technique, the result shown as per below, researchers have a complex relationship with literature use licenses. While a significant majority (74%) are aware of these licenses and (41%) find the enforcement of licenses, difficult to understand, leading to frustration and confusion.

Comparative to the law field researcher (87%) aware about Copyright Act (100%) , Creative Commons (68%) and Open Access then the Science researcher (60%) , are aware about Copyright Act (83%) , Creative Commons (24%) and infringement and remedies Law students (100%) and Science students (13%) Rights

are enforced by Law, Law students are aware about Copyright(100%) and Creative Commons (45%) and Science Students Copyright(60%) and Creative Commons (6%). Despite this, researchers recognize the importance of licenses in facilitating collaboration and advancing research. A substantial 80% believe licenses are essential for their work, and 75% think they enable collaboration.

To address these concerns, researchers suggest simplifying license terms, increasing awareness and education, promoting open-access publishing, and developing India-specific licenses and guidelines. By doing so, researchers hope to create a more conducive environment for research and collaboration, unencumbered by the complexities of literature use licenses.

### **Conclusion of the Study:**

The present study, conducted in two reputed colleges of Amravati District, aimed to assess the actual level of awareness regarding copyright infringement and the legal remedies available to creators for protecting their original works. The analysis of the survey data reveals a significant disciplinary variation in legal awareness between Law and Science researchers.

The findings clearly indicate that Law students and researchers possess substantially higher awareness of intellectual property rights and related legal frameworks than their counterparts in the Science stream. A very high proportion of Law researchers (87%) demonstrated overall awareness of legal aspects, with complete awareness of the Copyright Act (100%), considerable familiarity with Creative Commons licenses (68%), and full awareness of infringement and legal remedies (100%). In contrast, Science researchers showed comparatively moderate to low awareness levels, with 60% having general awareness, 83% aware of the Copyright Act, only 24% familiar with Creative Commons, and merely 13% aware of infringement and remedial measures.

Further, when examining awareness of rights enforcement mechanisms, all Law students (100%) were aware of copyright protection and 45% were familiar with Creative Commons licensing. Among Science students, awareness was significantly lower, with 60% aware of copyright and only 6% knowledgeable about Creative Commons licenses. This disparity highlights a critical knowledge gap in the Science discipline regarding open licensing and legal protection mechanisms.

The study conclusively establishes that disciplinary orientation and institutional academic exposure play a decisive role in shaping legal awareness. The higher level of awareness among Law researchers reflects the influence of curriculum integration and academic environment, whereas the relatively low awareness among Science researchers indicates the absence of structured legal literacy in their academic training.

Therefore, it can be concluded that institutional support is a key determinant in promoting awareness of copyright, infringement, legal remedies, and the adoption of open licensing such as Creative Commons. Strengthening institutional initiatives through workshops, policy frameworks, library support services, and awareness programmes is essential to empower researchers across disciplines to make informed decisions regarding openness, intellectual property protection, and compliance with legal provisions. The study underscores the urgent need for interdisciplinary legal literacy and institutional intervention to foster responsible scholarly communication, protect creators' rights, and encourage the informed use of open access and Creative Commons licensing in academic research.

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