

**A STRATEGIC FRAMEWORK
FOR IMPROVING COPYRIGHT ENVIRONMENT
IN THE INDIAN FILM INDUSTRY**

Ph D. THESIS

Submitted

**IN FULFILLMENT OF THE REQUIREMENTS
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DOCTOR OF PHILOSOPHY

BY

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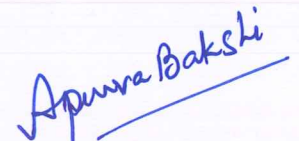
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DECLARATION

I hereby declare that this Thesis entitled, 'A STRATEGIC FRAMEWORK FOR IMPROVING COPYRIGHT ENVIRONMENT IN THE INDIAN FILM INDUSTRY' is an original work done by me for the award of Doctor of Philosophy in Management. I also declare that this Thesis or any part of it has not been submitted by me for the award of any degree, diploma, title or recognition before.

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Certified that the thesis entitled 'A Strategic Framework for Improving Copyright Environment in the Indian Film Industry' which is being submitted by Mr. Apurva Bakshi, in fulfillment of the requirements for award of the Degree of Doctor of Philosophy in Management, Thapar University, Patiala, is a record of candidate's own work, carried out by him under our supervision and guidance. The matter embodied in this thesis has not been submitted in part or full to any other University or Institute for the award of any degree.

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Despite all the difficulties, all the frustrations, there is a joy in having done something as well as you could and better than others thought you could.

-J.R.D. Tata

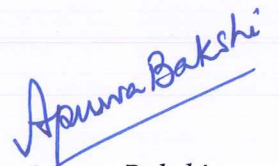
It is a matter of great privilege to acknowledge the help and guidance which I received from several eminent sources.

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ABSTRACT

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. It is, in fact, a bundle of rights such as the right of reproduction, right of communication to the public, rights of adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work. Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity.

The Indian film industry is a dominant cultural force in its own right. Especially in the Indian subcontinent and in various other parts of the world, it wields considerable influence, despite the preponderance of the culturally and commercially stronger Hollywood and its stranglehold on movie audiences around the world. However, rampant plagiarism and unauthorized copying from Hollywood and other international films has been a longstanding malaise hampering the reputation of Bollywood as a major creative source of original intellectual property.

It is thus pertinent to explore the role, significance and treatment of copyright in the Indian film industry and to investigate the various determinants of copyright environment in the industry. The present study proposes to identify and analyze the factors that impact the copyright environment, and to explore the attitude of Indian film professionals towards copyright. The study has used a mixed-methods research approach. Primary data was collected through a survey of film-making professionals through a questionnaire. Case studies were developed regarding specific movies for the in-depth analysis of various aspects of infringement caused by these movies. An analysis was conducted of the incidence of copyright violations in the Hindi film industry through the lens of the academic discipline of anthropology. The above methods were adopted to achieve the objectives of this study in a holistic approach. The study finally culminates in the creation of a strategic framework for improving copyright environment in the Indian film industry.

The study has found key factors affecting the copyright environment in the Indian film industry and also deciphered the attitude of film professionals towards copyright, while combining all the findings of this mix-methods research to finally postulate a strategic framework for improving copyright environment in the Indian film industry.

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CHAPTER - 1

INTRODUCTION

This chapter serves to introduce the broad area of study within which the research problem has been formulated. Section 1.1 introduces Intellectual Property Rights of which Copyright is one component. Section 1.2 discusses Copyright and the rationale for existence of copyright. Section 1.3 enumerates the salient features and provisions of The Copyright Act in India. These are essentially the various concepts in Copyright Law that are important to this study, and include the different subject matters of copyright, issues of authorship and ownership of copyright, the set of rights available to the copyright owner, infringement of copyright and fair use, the term of copyright, assignment and licensing, collective administration of copyright, broadcast reproduction rights and performers' rights. Section 1.4 discusses the nature of copyright and the different ways in which copyright can be visualized. Section 1.5 talks about the Indian film industry and discusses its cultural and economic significance. Section 1.6 enumerates the objectives of the study. Section 1.7 presents the rationale for this study while Section 1.8 brings forth the significance of the current research study. Section 1.9 presents the organization of the thesis.

1.1 Introduction

Intellectual property rights (IPRs) are the rights to the commercial exploitation and the appropriation of returns granted to the creators of intellectual products. Traditionally common types of Intellectual property rights include patents, copyrights, trademarks and trade secrets. However, development of modern industry and its use of specialized forms of science, technology and business models has necessitated the recognition and development of newer types of IPRs such as industrial designs and semiconductor integrated circuit layout designs. Other forms of IPRs include geographical indications, plant varieties and farmers' rights, traditional knowledge and biological diversity.

Intellectual property rights provide exclusive rights to the creator or inventor. This legal protection acts as incentive for the creation and distribution of their work. In the absence of such exclusive rights that guarantee monetary benefits, it can be argued that there will be very little motivation for the creators of any kind of intellectual property to create.

Intellectual Property Rights can potentially act as vital strategic assets for an enterprise, especially in the current knowledge economy (Kalanje, 2004). The immense potential of IP assets can be harnessed in many ways, such as:

- i. As a dependable source of revenue (through licensing, merchandising, sales)
- ii. In the formation of partnerships or alliances (Joint Ventures, Strategic Alliances)
- iii. For enhancing competitive position (Facilitating Market Entry, Consolidating Market Position)

The above benefits are generic and may apply to different kinds of Intellectual Property, but are specifically important with reference to copyright.

The convergence of various technologies has gradually converted the world into a global village where ‘cultures have fused’ and ‘markets have become indistinguishable from each other’ (Bisht and Belwal, 2001).

Copyright is a kind of intellectual property the importance of which has increased enormously in recent times due to the rapid technological development in the field of printing, music, communication, and entertainment and computer industries (Narayanan, 2007).

1.2 Copyright*

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, *inter alia*, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work.

*Sections 1.2 and 1.3 are partially based upon the text of The Indian Copyright Act 1957 and the ‘Handbook of Copyright’ prepared by Govt. of India.

Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

Also, if copyright protection is applied rigidly, it can hamper progress of the society. Hence, copyright laws are enacted with necessary exceptions and limitations to ensure that a balance is maintained between the interests of the creators and of the community.

The Preface to the World Intellectual Property Organisation's *Guide to the Berne Convention for the Protection of Literary and Artistic Works* reads as follows:

“Copyright, for its part, constitutes an essential element in the development process. Experience has shown that the enrichment of the national cultural heritage depends directly on the level of protection afforded to literary and artistic works. The higher the level, the greater the encouragement for authors to create; the greater the number of a country's intellectual creations, the higher its renown; the greater the number of productions in literature and the arts, the more numerous their auxiliaries in the book, record and entertainment industries; and indeed, in the final analysis, encouragement of intellectual creation is one of the basic prerequisites of all social, economic and cultural development.”

1.3 Salient features and provisions of The Copyright Act in India

Statutory Position: The law of copyright in India is contained in the Copyright Act 1957 as amended from time to time.

Subject-matters of Copyright: As per the Copyright Act, 1957, copyright subsists throughout India in the following classes of works:

- (a) original literary, dramatic, musical and artistic works;
- (b) cinematograph films; and
- (c) sound recordings.

A brief description of each of the above-mentioned types of works is as follows:

Literary Works: Copyright subsists in original literary work. Literary work includes a novel, story, poem etc. (now it also includes computer programmes, tables, and compilations including computer databases.) Original here means it should not be copied from another work but must originate from the author. As a pre-condition set by copyright law, the literary work must be expressed in some material form – written or print or some form of notation or symbols, but not on audio. Computer programme is now included in the category of literary works for the purpose of copyright protection; it means a set of instructions expressed in words, codes, schemes, capable of causing a computer to perform a particular task or achieve a particular result.

Dramatic Work: Dramatic work includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangements or acting form of which is fixed in writing.

Artistic Work: An artistic work means a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality; a work of architecture; and any other work of artistic craftsmanship.

Musical Works: "Musical work" means a work consisting of music and includes any graphical notation of such work but does not include any words or any action intended to be sung, spoken or performed with the music.

Sound Recording: "Sound recording" means a recording of sounds from which sounds may be produced regardless of the medium on which such recording is made or the method by which the sounds are produced. Sound recordings include audio cassettes, CD-ROMs, DVDs etc.

Cinematograph Film: "Cinematograph film" means any work of visual recording on any medium produced through a process from which a moving image may be produced by any means and includes a sound recording accompanying such visual recording and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography including video films.

Authorship: Since copyright subsists with the ‘author’ of a work, Copyright Law defines who is deemed to be the author in each of the subject matters:

- In the case of a literary or dramatic work the author, i.e., the person who creates the work.
- In the case of a musical work, the composer.
- In the case of a cinematograph film, the producer.
- In the case of a sound recording, the producer.
- In the case of a photograph, the photographer.
- In the case of a computer generated work, the person who causes the work to be created.

Ownership when Author is an Employee: When the author is an employee, the general principle applied to determine who owns the copyright is as follows: in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work.

Commissioned Works: In the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

Set of Rights Available: The copyright owner has various rights. The law authorizes him/her to:

- Reproduce the work -- which basically means making copies.
- Publish or communicate the work to the public.
- Perform the work in public.
- Make translations of the work.

- Make adaptations of the work.
- In the case of a computer programme, sell or give on commercial rental any copy of the computer programme.
- In the case of a cinematograph film/sound recording, sell or give on hire any copy of the work.

This is the general set of rights available; the rights available for each of the subject matters are different because of their nature.

The right of reproduction: The right of reproduction means the right to make one or more copies of a work or of a substantial part of it in any material form.

Right of communication to the public: 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.

Adaptation: Right of Adaptation means:

- (i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;
- (ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;
- (iii) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical
- (iv) in relation to a musical work, any arrangement or transcription of the work;
- (v) in relation to any work, any use of such work involving its re-arrangement or alteration

Copyright Infringement: Copyright in a work shall be deemed to be infringed when any person, without a license granted by the owner of the copyright or in contravention of the conditions of a license granted, does anything, the exclusive right to do which belongs to the owner of the copyright, or permits for profit any place to be used for the

communication of the work to the public where such communication constitutes an infringement 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 an infringement of copyright; or when any person makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or by way of trade exhibits in public, or imports into India, any infringing copies of the work.

Term of Copyright: Copyright shall subsist in any literary, dramatic, musical or artistic (other than a photograph) published within the lifetime of the author until sixty years from the beginning of the calendar year next following the year in which the author dies.

Term of copyright in cinematograph films, photographs and sound recordings: In the case of a cinematograph film, photograph or sound recording, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which it is published.

Fair Use: Subject to certain conditions, certain acts, which otherwise would be infringement, are allowed by copyright law and deemed to be 'fair use' or 'fair dealing'. The phenomenon of 'fair use' is one of those rare doctrines of Copyright law which is 'user-centric', as opposed to the general 'creator-centric' nature of Copyright law. The activities listed under the fair use clause are permitted without specific permission of the copyright owners. Some such exemptions provided by Copyright Law are as follows:

- for the purpose of research or private study,
- for criticism or review, whether of that work or of any other work
- for reporting current events in a newspaper, magazine or similar periodical,
- in connection with judicial proceeding,
- the reading or recitation in public of any reasonable extract from a published literary or dramatic work
- the publication in a newspaper, magazine or other periodical of a report of a lecture delivered in public.

Assignment of Copyright: The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof. In the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence.

Assignment of the copyright in any work shall not be valid unless it is in writing signed by the assignor or by his duly authorized agent. The assignment of copyright in any work shall identify such work, and shall specify the rights assigned and the duration and territorial extent of such assignment. The assignment of copyright in any work shall also specify the amount of royalty payable, if any, to the author or his legal heirs during the currency of the assignment and the assignment shall be subject to revision, extension or termination on terms mutually agreed upon by the parties. Where the assignee does not exercise the rights assigned to him under any of the other subsections of this section within a period of one year from the date of assignment, the assignment in respect of such rights shall be deemed to have lapsed after the expiry of the said period unless otherwise specified in the assignment.

Licences: The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by licence in writing signed by him. A licence is an authorization or permission by the owner of copyright to licensee to do certain acts which otherwise would be an infringement.

Types of licences: A licence may be exclusive or non-exclusive (given to one party or many parties), it may be explicit or implied (by circumstances).

Exclusive licence means a licence which confers on the licensee, to the exclusion of all other persons (including the owner of the copyright), any right comprised in the copyright in a work, and exclusive licensee shall be construed accordingly.

The licence deed shall identify the work being licensed, and shall specify the rights licensed and the duration and territorial extent of the license, and also specify the amount of royalty payable.

Collective administration of copyright: Collective administration of copyright is a concept where management and protection of copyright in works are undertaken by a society of owners of such works. Obviously no owner of copyright in any work can keep track of all the uses others make of his work. When he becomes a member of a national copyright society, that society, because of its organizational facilities and strength, is able to keep a better vigil over the uses made of that work throughout the country and collect due royalties from the users of those works. Because of the country's membership in international conventions, the copyright societies are able to have reciprocal agreements with similar societies in other countries for collecting royalties for the uses of Indian works in those countries. From this it can automatically be inferred that it will be in the interests of copyright owners to join a collective administration organization to ensure better protection to the copyright in their works and for reaping optimum economic benefits from their creations. Users of different types of works also find it easy to obtain licences for legal exploitation of the works in question, through the collective administrative society.

A copyright society is a registered collective administration society. Such a society is formed by copyright owners. The minimum membership required for registration of a society is seven. Ordinarily, only one society is registered to do business in respect of the same class of work. A copyright society can issue or grant licences in respect of any work in which copyright subsists or in respect of any other right given by the Copyright Act.

Functions: A copyright society may issue licences in respect of any rights that it administers; collect fees in pursuance of such licences; and distribute such fees among owners of rights after making deductions for its own expenses. It may also perform any other functions required to be performed regarding the exertion of control over the copyright society by the owner of rights.

Control: Every copyright society shall be subject to the collective control of the owners of rights whose rights it administers. It shall obtain the approval of such owners of rights for its procedures of collection and distribution of fees; obtain their approval for the utilization of any amounts collected as fees for any purpose other than distribution to the owner of rights; and provide to such owners regular, full and detailed information concerning all its activities, in relation to the administration of their rights.

Broadcast reproduction right: Every broadcasting organization shall have a special right to be known as "broadcast reproduction right" in respect of its broadcasts. The broadcast reproduction right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the broadcast is made. During the continuance of a broadcast reproduction right in relation to any broadcast, any person who, without the license of the owner of the right re-broadcasts the broadcast; or causes the broadcast to be heard or seen by the public on payment of any charges; or makes any sound recording or visual recording of the broadcast; or makes any reproduction of such sound recording or visual recording where such initial recording was done without license or, where it was licensed, for any purpose not envisaged by such license; or sells or hires to the public or offers for such sale or hire, any such sound recording or visual recording, shall be deemed to have infringed the broadcast reproduction right.

Performer's right: Where any performer appears or engages in any performance, he shall have a special right to be known as the "performer's right" in relation to such performance which shall subsist until fifty years from the beginning of the calendar year next following the year in which the performance is made. During the continuance of a performer's right in relation to any performance, nobody is allowed to make, reproduce or broadcast a sound or visual recording of the performance without the performer's consent. However, once a performer has consented to the incorporation of his performance in a cinematograph film, the above provisions shall have no further application to such performance.

1.4 The Nature of Copyright

The rights conferred by copyright may be *visualized* in five categories:

Statutory right: The copyright in a work is a creation of statute. A person owns a copyright because the law recognizes the existence of such a right.

Negative right: Copyright is a negative right in the sense that it stops others from exploiting the work of the author for their own benefit without the consent or licence of the author. It does not confer any positive right on the author himself.

Multiple Right: Copyright is not a single right but a bundle of rights which can exist and be exploited independently. The nature of these multiple rights depends upon the categories of works, namely:

- Literary, dramatic, artistic work
- Cinematograph films
- Sound recordings

Economic right: The author may exploit the work himself or licence others to exploit any one or more of the rights for a consideration which may be in the form of royalty, a lump sum payment or a combination of the two.

Moral right: Copyright besides conferring economic benefits also confers moral rights on the author. These include the right to claim authorship of the work (right to paternity) and to restrain or claim damages in respect of any distortion, mutilation, modification etc. in relation to the said work which is done before the expiration of the term of copyright if such distortion, mutilation, modification or other act would be prejudicial to his honor or reputation (right to integrity).

Now that the fundamentals of copyright have been elucidated and its nature established, we go on to discuss the Indian Film Industry and explore its relation with copyright.

1.5 The Indian Film Industry

According to the Federation of Indian Chambers of Commerce and Industry - KPMG Indian Media and Entertainment Industry Report 2011, the Indian film industry was estimated to be INR 83.3 billion in 2010 and is projected to grow at a CAGR of 9.6 per cent to INR 133.5 billion in revenues by 2015.

The Indian Film Industry comprises of not just the more prominently visible mainstream Bollywood, but also regional film industries of different states. There is no doubt as to the current position of the Indian Film Industry as a predominant cultural and economic force in the world, given its standing as the world's largest producer of movies in terms of numbers. Indian film industry has made considerable progress in the various sectors of film-making such as financing, production, marketing and distribution, and retail

infrastructure. With a substantial diaspora and the continuing growth of Brand India, the film industry has seen some international success in recent times. But it is still not a major force to reckon with internationally, and more efforts and money are required to be invested to take the Indian film industry to that next level where it can sustain itself in international markets and garner a higher market share of the global film industry.

The study tries to analyze and explore various business-related aspects of copyright in relation to the Indian film industry, the various concepts in copyright that hold relevance for the industry, such as infringement, licensing and copyright contracts, fair use, adaptation and the idea-expression doctrine, the role of copyright societies, and the location of rights and sharing of the profits that accrue from these rights among various contributors and stakeholders.

Also significant is the response of the film industry to copyright infringement activities, such as the rampant piracy of motion pictures. The emergence of the Internet has made the film industry increasingly vulnerable to copyright violations. The internet can be used directly to disseminate protected intellectual property; additionally it can act as a technological aid to the creation of pirated hard copies (VCDs and DVDs). As if the murkiness associated with the dubious business of piracy was not enough, the role of the internet in copyright violation of motion pictures makes it a particularly exigent issue; since the Internet, a ubiquitously available commodity today, is largely unregulated terrain.

1.6 Objectives of the Study

The objectives may be delineated as follows:

1. To analyze the factors (Individual and Policy factors) contributing to copyright environment.
2. To study the differences in attitude of mainstream and regional film-making professionals towards copyright.
3. To study the differences in attitude of film-making professionals in creative and managerial roles towards copyright.
4. To propose a framework for improving copyright environment in Indian film industry.

1.7 Rationale for the Study

“Creative enterprises, those engaged in the commercial exploitation of intellectual property-based goods and services imbued with symbolic meaning (i.e., books, film, music), contribute significantly to the economic, social and cultural development of nations. These enterprises form complex networks in content-driven sectors, which in turn make up the creative industries. Their unique characteristics (i.e., original symbolic products) drive and sustain diverse cultural and customary traditions, and enhance social values. At the same time, they generate wealth, increase employment opportunities, and promote trade. Yet, their true value and potential are often underestimated and insufficiently analyzed.”

This view, echoed by World Intellectual Property Organization (WIPO) in its introduction to the section on creative industries, aptly sums up the need for the current research with its focus on the Indian Film Industry and its contentious relation with copyright. The Indian film industry is not merely a significant contributor to the nation’s economy but a cultural behemoth whose cultural influence spans not just the length and breadth of this country, but also enjoys wide patronage of international audiences, diasporic and otherwise. That such a prominent cultural industry should suffer the ignominy of also being identified as a perpetual violator of copyright is ironical. It is thus imperative to undertake a research that assesses and analyzes this dichotomy, and this study is an endeavor in that direction.

1.8 Significance of the Study

The film industry, and especially the role of IPRs within it, is a much neglected area of study as far as academic research is concerned. The few studies that exist have tackled different issues of copyright, such as infringement, fair use, the idea-expression doctrine, location of rights etc. independently of each other. Similarly, various cultural and economic aspects of the film industry have been investigated, but rather isolatedly. It is thus imperative that a research study be undertaken that holistically looks at copyright with respect to its central role in the working of the film industry.

The present study proposes to identify and analyze the factors that impact the copyright environment, and to study the knowledge of and attitude towards copyright among Indian

film professionals across different linguistic film industries. By doing so it seeks to investigate the ground realities prevailing in the Indian film industry with respect to the functioning of the copyright mechanism and its perception among the very class that deals with copyright at a professional level.

The insights thus obtained could be useful for understanding better the intricately woven relationships of various aspects of copyright with the film industry. This understanding could in turn help in the creation of a more stringent policy framework, and also help in chalking out strategies to encourage compliance with copyright and discourage violations.

Although the position of developing countries in general, and India in particular, is quite different as compared to the developed world in terms of copyright violations and enforcement, the current study will serve as a template to understand in varying degrees the vital as well as contentious copyright-related issues in any film industry.

1.9 - Organization of the Thesis

Chapter I - Introduction

This Chapter is introductory in nature, providing a brief overview of the background of the research work. It sets the scene for the research questions and problem statement. This chapter introduces the concept of copyright, the nature of copyright and illustrates the Indian copyright law. The chapter describes the Indian film industry and elucidates its significance as a predominant cultural and economic force. Subsequently it depicts the contentious nature of copyrights in the Indian film industry, thus establishing the rationale for and significance of this study.

Chapter II - Review of Literature

This chapter presents a review of different conceptual, theoretical and empirical studies in the domain of copyrights, the film industry, and the role and relevance of copyright in the film industry, especially the Indian film industry. The review helps to know emphasis and direction of research being done, the time periods of the studies, the scope and limitations of studies conducted, the conclusions drawn from these studies and objectives fulfilled and benefits accrued. It helps to

identify the gaps in the earlier studies and to avoid duplication of results, while also helping one to focus and preserve emphasis in the right direction.

Chapter III - Research Design and Methodology

This chapter discusses the research design and methodology of the study. In this chapter methodology used for both secondary data and primary data analysis has been described. This chapter discusses the different methodologies adopted in the study, the population of the study, the variables, measuring instrument, methods of data collection and methods of data analysis.

Chapter IV- The Anthropological Perspective

This chapter analyzes the phenomenon of copyright usage (such as adaptation) and copyright violations (infringement) through the lens of the academic discipline of anthropology. It thereby presents an alternative approach to understanding the issues inherent in the usage (authorized as well as unauthorized) of copyright by individuals working in the creative industries, e.g. the film industry in this case. The chapter also includes a case study of the film *Slumdog Millionaire* with specific regard to its adaptation from the novel *Q&A*, and the salient sociological and anthropological issues relevant to an adaptation of such kind.

Chapter V- Case Study of the film *Barfi!*

This chapter includes a case study that was created as a part of the research work for this study. A thorough investigation was conducted of the various allegations regarding copyright infringement against the commercially successful and critically-acclaimed film *Barfi!*, in order to get a deeper understanding of the factors affecting copyright environment in the Indian film industry.

Chapter VI- Data Analysis and Strategic Policy Framework

This Chapter covers the analysis and discussions of responses to all the questions gathered from various respondents on the basis of the questionnaire administered. Additionally, the development and analysis of case studies regarding specific movies was helpful in identifying certain factors that lead to copyright violations and also helped, in some cases, to identify the attitude of film-making

professionals towards copyright. Also, the analysis of copyright violations in the Indian film industry through the perspective of varied academic disciplines helped to explore certain sociological and anthropological factors that lead to copyright violations and thus impact copyright environment. The chapter starts with the participative stake-holders' analysis and deals with analysis of the respondent profile with regard to gender, age, their specific professional role (creative versus managerial), education level, and the linguistic film industry in which they work. Factor Analysis was conducted to analyze the individual and policy factors contributing to the copyright environment. The chapter also deals with detailed ANOVA analysis to study the differences in attitude of mainstream and regional film-making professionals towards copyright. Similar analysis was conducted to investigate the differences in attitude of Film-Making Professionals in Creative and Managerial Roles towards Copyright. Structural Equation Modeling was used to depict the relation of Individual and Policy factors with Copyright Attitude. In the end, based upon the results from the afore-mentioned analyses, the study proposed a framework for improving copyright environment in Indian film industry.

Chapter VII- Conclusion

This chapter covers the learning, recommendations and conclusions of the study and also highlights the recommendations regarding strategic policy framework. This chapter also involves a critical assessment of the work, stating hypothesis, and demonstrating precision, thoroughness, contribution, and comparison with similar work. The chapter also lists the further research areas/ gaps.

1.10 Concluding Remarks

The present chapter introduces the field of study and the broad theoretical framework within which the research problem has been formulated. It discusses the significance of the study and the rationale for it. It also details the organization of the thesis and the objectives of the study. In the next chapter, we review the relevant literature and seek to find the research gaps in the literature.

CHAPTER 2

REVIEW OF LITERATURE

A review of literature pertaining to the study is a pre-requisite for research as it enables the investigator to have a proper perspective of the subject and avoid the pitfalls and difficulties experienced by predecessors. Thus, the planning and execution of any research study should be preceded by a thorough review of literature in related fields since it:

- i) Helps to familiarize with the work that has been done in that area.
- ii) Eliminates the possibility of unnecessary duplication of efforts.
- iii) Provides valuable information on research techniques.

A brief summary of empirical work conducted and related to area of the present study has been presented under the following heads:

Section 2.1 Intellectual Property and Copyrights

Section 2.2 Indian Film Industry

Section 2.3 Interface of Copyright and the Film Industry

Subsequent to the structured review of literature as delineated above, Section 2.4 identifies the research gaps in scholarly research in these areas.

2.1 Intellectual Property and Copyrights

David Bainbridge (1999) opined that IP is the sum of the different rights (or areas of law giving rise to these rights), associated with creative effort, commercial reputation and goodwill. Cornish and Llewelyn (2003) used the term IP to describe the various forms of intangible property that include trade mark, patent, copyright.

Maskus (2000) talked of two contrasting views of intellectual property, the natural-rights view that sees ownership of mental creations as a natural right of the creator, and the public-rights view which deems all information to be in public domain, since free access to information is vital to social well-being and cultural growth. These two extremes are

analogous to the capitalist and socialist systems; the actual position of intellectual property rights in most legal systems is somewhere between these two, meant to strike a balance that gives the required incentive for creation and invention and simultaneously serves as an optimal tool to stimulate cultural growth through diffusion of knowledge.

Davis (2004) explored the changing role of intellectual property rights (IPRs), tracing four recent, inter-related trends in the IP landscape: (1) the growing prominence of intangible assets as sources of competitive advantage, (2) the globalization of business activities, (3) advances in digital technologies and (4) changes in the legal framework governing the strength and scope of IPRs. He analyzed the implications of these trends for firm strategy by considering the 'overall value' and effectiveness of patents for firms. Furthermore, proper harnessing of Intellectual Property Rights can help to develop competitive advantage for SMEs (Kapur and Saini, 2004).

Salim, Mawali and Islam (2014) provide empirical evidence on the effects of intellectual property rights and threat of imitation on export flows, justifying the widely accepted positive nexus between the importance of IPRs and bilateral trade flows.

Kumar and Philip (2004) discuss the implications of various aspects of Intellectual Property Rights for the Indian Economy.

Nauriyal (2004) discusses Intellectual Property Rights with respect to market attractiveness and competition as the core issues in the current globalized economy.

Gibson (2011) provides an alternative view of intellectual property by visualizing it in terms of 'character and narration', thereby exploring some cultural, philosophical and metaphorical dimensions of Intellectual Property.

Shapiro and Varian (1999) observed that copyrights traditionally protected the original works of individual artists, but are now fundamental to innovation in the music, TV broadcasting, and film industries, as also in the software industry.

The very existence of copyright has often been put under question. Boldrin and David (2002), Breyer (1972), Hurt and Schuchman (1966), and Plant (1934) have compared the copyright system with systems without copyright. The existence of copyright has been

found to be more useful than the converse. Boldrin and David (2002) concluded that though there is no doubt as to the importance of copyright when it is initially created, the right of an author to completely control the copyright once it has been sold is questionable.

Landes and Posner (2003) suggested a system of Indefinitely Renewable Copyright (IRC) as an alternative to the current copyright system. Under the system of IRC, certain rights are protected for authors as long as they continue to pay a copyright fee for the renewal of the copyright. They suggest that IRC could lead to the shortening of the average copyright length than under the current system and thus lead to an expansion of the public domain.

Maskus (2000) opined that the significance of different types of IPRs varies greatly among different sectors of industry. Although all sectors make use of IPRs, some sectors depend more critically on certain specific types of IPRs. To characterize this phenomenon, he postulated the existence of a 'Patents Complex', a 'Copyrights Complex' and a 'Trademarks Complex'. The 'Copyrights Complex' of 'Recorded Entertainment, Software and Internet Transmissions' is seen as significant in the sense that it consists of industries where copyright issues are extremely contentious and fiercely debated in the international arena.

Macmillan (1998) analyzed the extent to which copyright is about culture and contrastingly, how much is it about commerce and business. She opined that the role of copyright in relation to culture 'is best characterized as instrumental rather than fundamental', which is well-indicated by the current commodification of copyright especially at the hands of corporate sector that uses the 'commodity' to strengthen its private power, resulting in a weakening of the cultural output and its global homogenization. As an example of this type of commodification and the acquisition of private power through it, she cited the fact that six major international entertainment corporations hold sway over the Australian music industry. She argued that the power held by these media and entertainment corporations is self-reinforcing, and that "the excessive commodification of copyright has been one of the foundations of the power of the media and entertainment sector" (Macmillan, 1998, p313).

Pfohl (2000) looked at the legal versus artistic aspects of copyright infringement and the way in which copyright, which is primarily a legal right, vests in an artistic creation.

Lessig (2004) in *Free Culture* focused on the increasing disconnect between current copyright laws and the burgeoning digital culture, questioning the existence of stringent copyright laws and their efficacy in striking a balance between creative expression on one side, and cultural ownership and production, especially by the corporate conglomerates, on the other.

Boyle (2008) in *The Public Domain* argued that augmentation of copyright laws is leading to the erosion of the public domain, which essentially impedes the growth of culture, since resources from the public domain have a very crucial role to play in many forms of original creation. His seminal work was in essence a comprehensive critique of the current copyright regime and the creative imbalance created by it.

Netanel (2008) investigated the dichotomy between the suppressive role of copyright law and the function of copyright as ‘the engine of free expression’. He argued that in the current digital culture and the vast digital economy that it has propagated, copyright’s role as the engine of free expression may seem somewhat thwarted, what with major controversies and court cases such as those involving the likes of Google, YouTube and MySpace proliferating in the legal space. He elucidated the current ‘cut- paste-edit-remix-distribute’ culture in the modern digital realm of movies, music and graphics, and examines its relation with the ‘free speech’ aspect of copyright.

Jenner (2011) questioned the efficacy of the copyright system in the current digital environment and analyzed the impact of the current copyright system on the various stakeholders in the value chain for copyrighted content.

Towse (2011) analysed the clash between copyright policy and the economic perspective of copyright and discussed the misunderstandings that policy-makers have with regard to the economics of copyright.

Kretschmer, Klimis and Wallis (1999) examined the impact of de-regulation and digitization on the global music industry. They started by discussing value-creation in

music industry and the value-chain for music firms, revenue streams in the music business, and overall revenue flows from music in the entertainment business. They investigated the concepts and mechanisms of commodification, globalisation, delivery, and royalty management (characterized as four types of ‘negotiations’ in the music business); with respect to the world music market. They demonstrated that the ‘location’ of intellectual property rights depends upon the mutual bargaining power of the parties involved (authors, intermediaries, record companies), since, as they observed that although the copyright is first vested in the author, it rarely remains with her for long.

Geller (2000) looked at the history of copyright and attempted to use it to stimulate ideas regarding the future of copyright, while considering some copyright issues that are likely to arise in the near future, as the current media *mélange* further diversifies its nature, which will vastly impact the current copyright regime as it seeks to cater to the changing digital landscape.

Zhu (2004) investigated the effects of emerging digital technologies on the motion picture industry, highlighting that trends such as Video on Demand (VOD) may not only change the way people watch movies but also the way in which the film business operates. He argued that, in the short term, digitization may lead to significant cost reductions throughout the value chain, but the effects are even more dramatic and drastic in the long-term, since digital technologies can potentially restructure businesses by processes such as disintermediation and re-intermediation. The results highlight that digital film delivery may displace physical films, videos and DVDs, thus threatening the long-term survival of video rental stores and other middle layers in the value chain.

Singh (2004) discusses the economic dynamics of software piracy. Additionally, Internet piracy is a cause for concern since it impacts the global economy in various significant ways. (Ramayah, Lau and Halzina, 2008)

Lemley and Reese (2004) argued that since suing facilitators of infringement has now become more important in the digital environment rather than taking action against the infringers themselves, this could lead to stifling of innovation if one blindly went after the makers of technology for the misuses that their inventions could be put to. This situation is unfavorable since it could lead to certain socially beneficial services or innovations to

be penalized if they have potentially harmful uses as well. They argued that optimal digital copyright policy should not deter innovators and facilitate cost-effective enforcement of copyright in the digital environment.

Slater et al. (2005) discussed policy issues required and adopted arising due to the digital invasion of the traditional business models of the film and music industries, while discussing the control of content by copyright holders, the technological changes taking place, and the potential liability of new technologies such as P2P services. Slater et al. discussed and evaluated a range of possible responses to the industries' current challenges.

Handke (2006) argued that unauthorized copying in the record industry might actually have led to a restructuring of the industry caused by technological change, so it may be seen more aptly visualized as 'creative destruction' rather than being seen simply as 'plain destruction'. The researcher expressed that such isolated attempts to reinforce copyright protection may be insufficient and should be complemented by efforts to promote innovation within the record industry.

Priest (2006) examined the central role of China to the international piracy epidemic as concerning the film and music sectors, exploring the cultural and historical aspects of China's dubious position as the world's leading market for piracy, and assessed various policy directions that the Chinese govt. could choose. He suggested establishing an online system of alternative compensation that would 'allow users to download unlimited music and movies from the Internet while ensuring copyright owners are fairly compensated for their works'.

Lunardi (2009) analyzed the potential copyright liability of websites that index links to unauthorized streaming content by bringing up the contentious issues concerning streaming video hosting sites such as YouTube.

Kabir and Salim (2015) provide empirical evidence on the effect of intellectual property rights (IPRs) on China's export of electrical and electronic products, thus trying to establish a linkage between IPR protection and trade flows.

Helpman (1993) examined the enforcement of IPRs within the context of a North-South divide in terms of innovation and imitation, whereby North (the developed world) innovates intellectual property products and the South (developing and less-developed countries) imitates them.

2.2 Indian Film Industry

Mazumdar (2007) presented an incisive analysis of the social, political, historical and aesthetic aspects of Indian cinema and charted the developments in Indian cinema with regard to these aspects.

Pillania (2008) traced the continuing journey of the Indian film industry, particularly referring to Bollywood and its current position as a predominant cultural and economic force in the world, given its standing as the world's largest producer of movies in terms of numbers. Indian film industry has made considerable progress in the various sectors of film-making such as financing, production, marketing and distribution, and retail infrastructure. With a substantial diaspora and the continuing growth of Brand India, the film industry has seen some international success in recent times. But it is still not a major force to reckon with internationally, and more efforts and money are required to be invested to take the Indian film industry to that next level where it can sustain itself in international markets and garner a higher market share of the global film industry. Pillania opined that the industry has made progress in all four aspects of globalization, i. e., goods, capital, technology and people.

Wankhade (2009) discussed various aspects of film-financing in the Hindi film industry, elucidating the various phases in the making of a hindi film, which include Development, Pre-production, Production, Post-Production, Distribution and Export, Marketing and Promotion. He went on to compare the hindi film industry with Hollywood and points to a marked difference in the working styles and funding methods of the two industries.

Singh and House (2010) looked at Bollywood through two lenses, a cultural and an economic one. They looked at global film industry value chains and analyzed the cultural value in these value chains. They traced the history of Indian cinema and its current global value chains. They systematically analyzed the various components of the

Bollywood film industry and made a structured comparison with Hollywood of its various aspects.

Khandekar (2010) looked at various segments in the entertainment industry in India and discussed the significance and primacy of the film industry amongst these segments. She also brought up the role of ethics in the Indian media.

Roy (2012) presented an economic and cultural analysis of various aspects of Indian cinema with special reference to the increasing globalization of the Indian film industry.

Sen and Basu (2014) looked at the significance of Indian Cinema as an integral component of popular culture and imagination and analyzed the various political, cultural and aesthetic metaphors embedded in, and often propagated by Bollywood films.

2.3 Interface of Copyright and Film Industry

Maskus (2000) characterized piracy in the film and music production industries as ‘free-riding’, since pirating firms absorb none of the costs (technology, talent development, product marketing) that the original content producers bear, on whose effort and creativity they get a ‘free ride’. He talked of the obvious incentives for pirating such as cheap duplicating machinery (that can create copies quickly while leading to a minimum reduction in quality) and discs, and very low distribution costs. He talked of strong anti-piracy efforts being made at the international level, most notably by United States and through certain enforcement clauses required under terms of Trade related Intellectual Property Rights (TRIPS), and the challenges to effective enforcement of copyrights in developing countries.

Word-of-mouth is a very important criterion for movie audiences in making a decision regarding watching a movie. Informed audiences, who have a fair knowledge of infringing parts in movies, will probably act as better senders and receivers of this information through word-of-mouth. Bansal and Voyer (2000) discuss the importance of word-of-mouth in service purchase decisions and highlight the significance of receiver’s expertise and sender’s expertise in that context. Thus, effective word-of-mouth information exchanges between informed audiences can lead to a changed perception of copyright violations and its effect on the business of a film.

Rimmer (2001) analyzed copyright's role in the film industry by examining the case of one specific movie and examining the various copyright issues/ disputes that were associated with this film. He discussed the campaign for inclusion of screenwriters in the moral rights regime, the issue of directors acquiring royalties; and the disputes associated with the film, one between an independent producer and distributor, and another over the use of music in the film, characterizing the commercial and creative strains so often encountered in the movie realm.

Field (2003) analyzed the contentious issue of the film industry's battle against unauthorized editing of films with reference to the moral rights clauses provided by the Berne Convention. By using relevant court cases he demonstrated that the moral rights of attribution and integrity are tied to the copyright status of the work in question.

Barron (2004) looked at film as a cultural artifact and analyzed its legal position as an object in which property rights can subsist. He looked at the existence of film with reference to the legislative and judicial contexts while examining how each has defined the boundaries of film as an object. He discussed the 'physicalist' and 'formalist' approaches to understanding film and provided good reason to employ Marxist Theory as a better approach than these two for understanding film.

Handler (2007) questioned the straightforward categorization of films as copyright subject matter despite film being a complex combination of artistic creativity and financial investment. He opined that the party with predominant commercial interests in the film will invariably control most relevant rights to exploit the film, but the reason for this has more to do with contract than with the statutory provisions as to authorship and ownership of copyright. He questioned the efficacy of the contract in always being the most suitable method of identifying and equitably distributing rights among various contributors or stakeholders. The researcher suggested that there is a need to think more carefully about the way in which the law allocates rights to parties that provide creative contributions to films.

Smith and Telang (2009) investigated the impact of broadband internet penetration on DVD sales. They argued that although broadband internet penetration is seen as one of the major causative factors for piracy (and hence reduced legal sales), in reality they

obtained results that were counter-intuitive to prevalent industry beliefs, finding that increased broadband internet penetration had a positive effect on DVD sales, thus establishing the 'piracy vs promotion' debate.

Huygen et al. (2009) examined the phenomenon of file-sharing in films, music and games and identified its cultural and economic effects both in the short-term (the direct costs and benefits to society) and the long-term (transformation of business models, accessibility of content). This research presented a balanced view of the economic and cultural effects of file sharing, its costs and benefits, also specifying who are the winners and who the losers, based on a comprehensive analysis addressing the extent of file sharing, file sharers' valuation of the products they download, estimates of the degree of substitution of demand driven by purchasing power by unlicensed downloads, and how file sharing could boost sales. In doing so, it made a distinction between the direct, short-term impact of file sharing and the dynamic, indirect effects, taking into account behavioral changes and adjustments to business models.

Garon (2009) examined the risk of digital piracy faced by motion picture producers, especially given the high production costs of films and the small number of films that are theatrically released, which makes the film industry most vulnerable. He argued that production and distribution models of movies would have to reinvent themselves under pressure from various convergent media platforms, and technological changes that facilitate piracy. He suggested new approaches that would stand the film-makers in good stead in the modern digital environment, and delineated new contractual arrangements that would allow content producers to directly interact with opinion leaders who use social networking as their primary tool.

Banerjee (2010) looked at infringement in the Indian film industry through the twin lenses of the Indian and English copyright laws, examining film and screenplay copyright infringement and the implications of 'altered copying'. He created a sharp divide between Bollywood and 'non-Bollywood' film-makers in India and opined that if Bollywood film-makers were to be sued (more often) for copying western films (which they presumably do for saving on thinking and creating), it would indirectly help the Indian film industry by strengthening the position of original, 'non-Bollywood' film-makers who do not copy storylines from western films.

Larsen and Nærland (2010) studied Norwegian documentary filmmakers' experiences with handling copyright issues during the production of their films, and also investigated the attitudes of the film-makers toward copyright. They found that there is a widespread uncertainty on copyright issues among the film-makers, especially with regard to invoking the fair use doctrine (for claiming exception from copyright).

Sunder (2011) analyzed the role of copyright in promoting free cultural exchange, especially given the international nature of the 'ideas economy' and its efficacy in providing strong and differential advantages. In the context of numerous controversies, allegations and lawsuits by Hollywood studios against Indian film-makers, she opined that cultural exchange must be not only free but also 'fair'.

The mental models regarding IPRs will determine the level of originality with which film-makers deal in their craft. Yannopoulos, Gorish and Kefalaki (2011) discuss the role of mental models as barriers to innovation.

Scaria (2014) conducted a historical, cultural and legal analysis of the Copyright Law in India. He reflected upon the phenomenon of piracy in the Indian film industry while also presenting the perception of piracy among consumers.

2.4 Research Gaps

The review of literature suggests that scholarly research on the Indian Film Industry has been rather scarce, though popular magazines and newspapers seem to always carry numerous reports regarding intellectual property issues and copyrights, albeit often with an apparent tendency towards glamorizing such issues! Intellectual Property in general and Copyright in particular have been receiving considerable attention in recent times, but even that seems sparse considering the momentous economic value of copyright in today's 'knowledge and ideas economy'.

Given the importance of copyright to the creative industries, especially the film industry, the need for more work on the role of and implications of copyright for the film industry seems exigent. This research will earnestly endeavor to fill in these research gaps, and try to delve deeper into understanding implications of copyright for films in general and the Indian Film Industry in particular.

2.5 Concluding Remarks

A critical review of the existing literature suggests that numerous schools of thought have occasionally questioned the current system of copyright and indicated the need for alternatives, but they have been rather unsuccessful because of a radical disregard for the author's rights (Lessig, 2004; Boyle, 2008), or due to practical limitations in the theoretical concepts (Boldrin and David, 2002; Landes and Posner, 2003). Literature that concerns itself with the cultural and commercial aspects of copyright has shed considerable light on this plurality of the existence of copyright (Macmillan, 1998). There are only a few case studies that deal with copyright violations within one movie itself. The literature on Indian film industry needs to be more critical of the violations happening in the industry (Mazumdar, 2007; Pillania, 2008; Roy, 2012).

Through a structured review of the available literature, we have been able to identify the direction and orientation of current research in the field of copyright, especially concerning the Indian film industry. Academic scholarly research in this field is rather sparse. Since copyright is a culturally and commercially very valuable as a type of intellectual property, and the Indian film industry is a major cultural force increasingly being recognized world-wide, it is clear that much more research needs to be conducted in the area of copyright as concerning the Indian film industry. The present study can thus be visualized as a small effort in the direction of understanding copyrights in the Indian film industry.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

In the preceding Chapter of the present study, having conducted the review of literature, it was planned to conduct a mixed-methods research. The research methodology consisted of the following different, yet inter-related methods:

- a) An analysis of the incidence of copyright violations in the Hindi film industry through the lens of academic disciplines such as sociology and anthropology.
- b) The development of case studies regarding specific movies and the in-depth analysis of various aspects of infringement caused by these movies.
- c) A survey of film-making professionals through a questionnaire.

The above methods were adopted to achieve the objectives of this study in a holistic approach. With the help of the above methods, it was endeavored to explore and identify the factors that determine the copyright environment in Indian film industry, as also to study the attitude of film-making professionals towards copyright.

Section 3.1 details the research design, the objectives of the study and the hypotheses. Section 3.2 covers the research methodology adopted for the study. Section 3.3 discusses the details of the questionnaire used for collection of primary data. Correspondingly, Table 3.2 covers the gist of questions in the questionnaire and the objective/ purpose of each question. Section 3.4 presents the tools and techniques used for the analysis of data. Section 3.5 presents the reliability and validity of the questionnaire used for the collection of primary data.

For collection of primary data, it was planned to develop a questionnaire to study the individual and policy factors that contribute to the copyright environment, as well as to study the attitude of film-professionals towards copyright. Although a number of techniques are available to capture the data, a self-administered questionnaire was considered to be the primary survey instrument for data collection in this investigation as it addresses the issue of reliability of information by reducing and eliminating differences in the way that the questions are asked, and how they are presented.

Moreover the questionnaires facilitate the collection of data within a short period of time from the majority of respondents and this was a critical issue for this research.

3.1 Research Design

Major professional occupations in the film industry, such as directors, producers, writers, production executives etc. may be broadly categorized as working in either creative or managerial roles. An effective framework for improving the copyright environment in the film industry can be created by engaging respondents working in both these profiles as well as those working in regional as well as mainstream film industries.

3.1.1 Objectives of the Study

The objectives may be delineated as follows:

1. To analyze the factors (Individual and Policy factors) contributing to copyright environment.
2. To study the differences in attitude of mainstream and regional film-making professionals towards copyright.
3. To study the differences in attitude of film-making professionals in creative and managerial roles towards copyright.
4. To propose a framework for improving copyright environment in Indian film industry.

3.1.2 Hypotheses

The proposed hypotheses are:

H₁: Individual factors contribute more significantly than policy factors towards a favorable copyright environment.

H₂: There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright.

H₃: There is a significant difference in attitude of film-making professionals in creative and managerial roles towards copyright.

3.2 Research Methodology

The research methodology consisted of the following different, yet inter-related methods:

- a) An analysis of the incidence of copyright violations in the Hindi film industry through the lens of the academic discipline of anthropology.
- b) The development of case studies regarding specific movies and the in-depth analysis of various aspects of infringement caused by these movies.
- c) A survey of film-making professionals through a questionnaire.

The above methods were adopted to achieve the objectives of this study in a holistic approach. With the help of the above methods, it was endeavored to explore and identify the factors that determine the copyright environment in Indian film industry, as also to study the attitude of film-making professionals towards copyright.

3.2.1 Sampling

For the questionnaire, the total sample size was 120. Sample Unit was Film-making Professionals (in creative as well as managerial roles) from Hindi and regional film industries. Number of professionals from Mainstream Film Industry was 60 (out of which 30 in creative roles and 30 working in managerial roles). Correspondingly, number of film professionals from Regional Film Industry was 60 (out of which 30 in creative roles and 30 working in managerial roles). For regional film-making professionals, the mix of professionals from three different regional film industries was taken. (Punjabi, Bengali, Marathi). Probability sampling technique was used for data collection. Additionally, Random sampling technique was used in the present study.

3.3 Details of the Questionnaire

The review of selected literature provided an initial development of a draft. The Questionnaire design was Structured (5 point Likert Scale). The attitude scale comprised of the following components: knowledge of sub themes of copyrights, Copyright experience, Misappropriation of copyright work, the rights in general. The focus of the Questionnaire focus was on Film-making Professionals.

The final questionnaire consisted of a total of 48 Likert scale type questions, apart from certain questions used to obtain information regarding the demographic and professional profile of the respondents.

Table 3.1 Objective/ Purpose of Various Questions
Part 1: Gist of Questions

Sr. No.	Gist of Questions	Basic Objective/ Purpose
1.	I am completely aware of the method of registration of copyright.	Knowledge of Registration Procedure
2.	I am aware of the various types of uses of someone else's work that will be considered as infringement.	Knowledge of Infringing Uses
3.	Remaking or adapting a foreign film for Indian audiences without obtaining permission violates copyright of the original copyright holder.	Adapting foreign films for Indian audiences is infringement
4.	'Fair use' and 'public domain' are areas of free usage of copyright and using of works within these categories does not violate copyright.	Knowledge of 'Fair use' and 'public domain' are areas of free usage of copyright
5.	I am aware of the proper process of taking license or permission for using another's work.	Knowledge of process of taking license.
6.	Being aware of copyright litigation where the violator was penalized for copyright violation discourages violation.	Awareness of successful penalizing litigation discourages violation.
7.	Violation of copyright once increases the tendency of future violations of copyright.	Violation once increases tendency of future violations.
8.	I have at least once used someone else's copyrighted work substantially for creating my own work without acknowledging the source.	Experience of usage of someone else's work without acknowledging the source.
9.	I have been a victim of copyright violation and my copyright has been violated by someone at least once.	Experience of victimization
10.	One of the reasons why film-makers violate copyright is because they often deal with other professionals who have a tendency of violating copyright.	Peer Influence
11.	Violation of copyright is generally accompanied by a feeling of personal guilt or remorse that may somewhat discourage the violation of copyright in the future.	Violation of copyright causes guilt which discourages future violation
12.	The commercial success of a work that violates copyright may spur on the maker of that work to create more infringing works.	Success of infringing work encourages maker to create more infringing works.
13.	Existence of copyright societies makes it easier to obtain licenses and thus reduce copyright violations.	Copyright societies as facilitators of licensing.
14.	A list of available copyrighted works	Statutory listing of available works

Sr. No.	Gist of Questions	Basic Objective/ Purpose
	along with the names of their authors/ owners would make the search for rights much easier for potential buyers, thus improving copyright environment.	
15.	An increase in number of branch offices/ facilitation centres for copyright registration would lead to more registrations and less violations of copyright.	More branch offices/ facilitation centres for copyright registration
16.	Availability of more number of trained IP lawyers who can competently deal with copyright litigation may act as a deterrent to copyright violation.	More trained IP lawyers
17.	More awareness campaigns need to be conducted by statutory copyright agencies for better sensitization towards copyright issues.	Awareness campaigns for sensitizing towards copyright
18.	Copyright societies in India could play a more important role in proactively searching for copyright violations in the film industry and bringing them to book.	Copyright societies as watchdogs
19.	Copyright laws in India cover all major contentious areas and issues that might arise in the field of film-making.	Copyright laws in India cover all major contentious areas and issues
20.	The time taken by Indian courts of law to adjudicate and decide upon copyright cases should be reduced.	The time taken by Indian courts should be reduced
21.	Better and stricter enforcement of copyright laws in India could deter violations.	Better and stricter enforcement of copyright laws
22.	The legal mechanism of copyright for dealing with international copyright violations is not strong enough and needs to be fortified further.	Legal mechanism for international violations inadequate
23.	There are some gray areas or loopholes in the copyright laws in India which lead to weak enforcement.	Loopholes lead to weak enforcement.
24.	Suitable remedies are generally enforced for various forms of copyright violation under Indian Copyright Law.	Suitable remedies enforced
25.	Copyright is a most important legal right and must be stringently enforced.	Copyright as legal right
26.	Copyright should be regarded as a moral right of the author since the creator of a copyrighted work has some moral responsibility with respect to that work.	Copyright as moral right
27.	The copyright environment in a country can generally be seen as reflective of the overall legal environment of that country. (with respect to abiding by or violating laws)	Copyright environment as reflective of the overall legal environment.
28.	Whenever a copyrighted work is used, it must be attributed to its original author even if the work and its rights have been completely sold.	Work must be attributed to author even after assignment

Sr. No.	Gist of Questions	Basic Objective/ Purpose
29.	If a new film heavily borrows the plot and idea from an earlier film but the expression is changed, it should still be seen as violation of copyright.	Borrowing plot and idea of film is infringement
30.	‘Cultural copy’ of a film (eg changing the setting of a Hollywood film to an Indian setting), while keeping the basic elements of story and plot same should be seen as a violation of copyright.	Cultural copy to be seen as infringement.
31.	A film professional who violated copyright earlier and was legally penalized for the offence will tend to abide by copyright laws in the future.	Penalization for violation will prevent future violation.
32.	Though selling of pirated copies of films is infringement, in developing countries it has got social sanction since it makes films available to a larger population at an economical price.	Piracy has social sanction in developing countries.
33.	Copyrights can act as strategic assets of a company that lead to earning multiple revenue streams.	Copyrights as strategic assets
34.	A foremost function of copyright is that it provides a framework within which economic benefits may accrue to the creator.	Copyright as framework for economic benefits
35.	Copyright in a work is a bundle of rights each constituent of which can be used for economic exploitation of the work.	Copyright as a bundle of economic rights
36.	Copyright violations of any type cause economic losses to the owner of copyright.	Copyright violations of any type cause economic losses to the owner of copyright.
37.	Economic considerations play a major role in the way creative industries use copyright.	Economic considerations play a major role in the way creative industries use copyright
38.	The burgeoning digital culture has in many ways changed the economics of the creative industries that significantly use copyright.	Digital culture has changed the economics of creative industries
39.	The reasons for violating copyright are most primarily economic in nature (i.e. for financial gains).	The reasons for violating copyright are most primarily economic in nature
40.	Piracy is a huge threat to the economic well-being of creative industries.	Piracy is a huge threat to the economic well-being of creative industries
41.	Copyright serves as incentive for creativity and is thus instrumental in increasing cultural output.	Copyright as incentive for creativity, thus increasing cultural output
42.	Culturally strong creative industries tend to create more copyrighted works.	Culturally strong creative industries tend to create more copyrighted works
43.	A creative industry which has a large number of cases of copyright violations may be seen as culturally bankrupt.	Violations imply cultural bankruptcy
44.	Public domain works form a very significant component of the repository	Significance of Public Domain works to Culture

Sr. No.	Gist of Questions	Basic Objective/ Purpose
	that culture holds, especially since they may be used for the creation of numerous derivative works.	
45.	Market forces demand and command the creation of copyrighted products that may not be culturally superior.	Market forces encourage culturally inferior products
46.	A film is primarily and essentially a cultural artifact, in which economic rights exist legally in the form of copyright.	Film primarily cultural artifact
47.	Copyrighted works created by culturally strong creative industries (such as Hollywood) are generally perceived as high-value and high-quality works.	Perception of works from culturally strong creative industries as superior
48.	Rampant piracy in any major creative industry indicates the criminalization of culture in that economy.	Piracy indicates criminalization of culture
	Part 2: Information about respondents	
1.	Gender	Demographic Data
2.	Age of Respondent	Demographic Data
3.	Professional Occupation in Film Industry	Professional Information
4.	Education Level	Demographic/ Professional Information
5.	Language of films generally made	Professional Information
6.	Name and Address/ email id	Data Identification

3.4 Tools and Techniques

Data was analyzed with the help of SPSS (Statistical Package for Social Sciences) package. Statistical tools like ANOVA and factor analysis were applied to the data to test the hypotheses.

3.4.1 Analysis of Variance

Analysis of Variance (ANOVA) is used to test for the significance of the differences among more than two sample means. Using ANOVA, inferences can be made about whether the different samples have been drawn from the populations having the same mean. ANOVA involves determining one estimate of the population variance from the variance among the sample means and second estimate of the population variance from the variance within the sample. Further, both the estimates are compared. If both the estimates are approximately equal in value, then the null hypothesis, i.e., sample means do not vary significantly, is accepted. These two estimates of the population variance are compared by computing their ratio, called F statistic.

$F = \text{between-column variance} / \text{with-in column variance}$

Degrees of freedom for numerator = (Number of samples-1)

Degrees of freedom for denominator = (Total sample size – Number of samples)

When samples are not drawn from the populations having the same mean, between-column variance tends to be large than with-in column variance and the value of F-statistics tends to be large. This leads to the rejection of null hypothesis.

3.4.2 Factor Analysis

Factor analysis attempts to identify a set of dimensions that is not directly observable in a large set of variables. This analysis is used to summarize a majority of the information in a data set in terms of relatively lesser new categories, called factors. Major use of factor analysis is to group redundant variables so that smaller number of variables can be selected for further analysis.

Factor Analysis begins with the construction of a new set of variables based on the relationships in the correlation matrix. Principal component analysis can be used to transform a set of variables into a new set of composite variables or principal components that are not correlated with each other. These linear combinations of variables, called factors, account for the variance in the data as a whole. The best combination makes up the first component and is the first factor. The second principal component is defined as the best linear set of variables for explaining the variance not accounted for by the first factor. There may be many factors, each being the best linear combination of variables not accounted by the previous factors (Cooper and Schindler, 2006).

3.5 Reliability and Validity

The questionnaire developed has been pre-tested and validated through face validity as it was sent to a carefully selected sample of experts and it also has a sufficiently good reliability score. The section-wise reliability index, which is given in Table 3.2, reveals that the internal consistency based on the inter item correlation is quite good in all the sections.

Table 3.2 Reliability Statistics

Table 3.2 Reliability Statistics:			
S No	Items	Cronbach Alpha	No of Items
1.	Individual Factors	.963	12
2.	Policy Factors	.735	12
3.	Attitude towards copyright as legal and civic right	.979	8
4.	Attitude towards copyright as economic right	.992	8
5.	Attitude towards copyright as cultural right	.993	8
	Total	.987	48

3.6 Scope of the Study

A broad structure of various components taken up in the overall study is as follows:

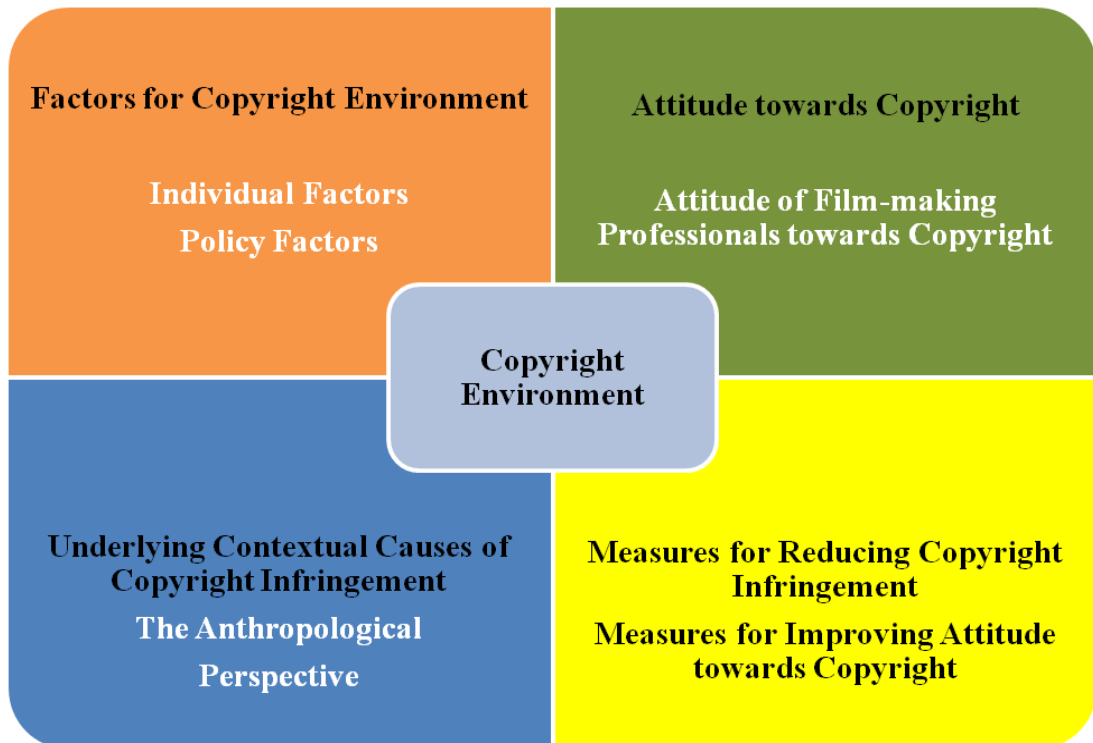


Figure 3.1 Scope and methodology of the study

3.7 Concluding Remarks

Choosing the right research design and methodology is one of the most important aspects of the research process for targeted outcomes. The present study has used mixed-methods research for achieving its objectives, utilizing questionnaire-based primary data, an analysis of the incidence of copyright violations in the Indian film industry through the lens of anthropology; as well as through the development of case studies regarding specific movies and the in-depth analysis of various aspects of infringement caused by these movies.

CHAPTER 4

THE ANTHROPOLOGICAL PERSPECTIVE

4.1 Introduction

This chapter analyzes the phenomenon of copyright usage (such as adaptation) and copyright violations (infringement) through the lens of the academic discipline of anthropology. It thereby presents an alternative approach to understanding the issues inherent in the usage (authorized as well as unauthorized) of copyright by individuals working in the creative industries, e.g. the film industry in this case. The chapter also includes a case study of the film *Slumdog Millionaire* with specific regard to its adaptation from the novel *Q&A*, and the salient anthropological and sociological issues relevant to an adaptation of such kind.

4.2 An Anthropological Perspective of Cinema

Anthropology is the study of man. Cinema can primarily be visualized as a depiction of people and their actions within the context of relationships and society in a particular culture. The two disciplines are generally seen as quite different from each other and have been hitherto unconnected conceptually, the only exception being in the case of ethnographic film. The field of visual anthropology encompasses relationships between anthropology and visual media such as photographs, video and film, but its applications have been primarily limited to studying the visual manifestations and pictorial aspects of culture as well as cultural behavior of humans, and to the study of ethnographic film.

Copyright violations and ‘inspirations’ refer to the unauthorized remakes and copies of western films that abound in the Indian film landscape. Adaptation stands for ‘change of

form': a work is said to be an adaptation of another when the second work is clearly and visibly a derivative of the earlier work. Remakes, authorized or unauthorized, as well as adaptation, fall within the legal purview of copyright laws. While briefly describing the legal position of unauthorized copying in Indian cinema, this chapter endeavours to search for an anthropological perspective for the analysis of cross-cultural remakes (generally unauthorized in Indian cinema) as well as for adaptation in Indian films, by taking the case of one particular film. By doing so, it seeks to establish a stronger conceptual association between cinema and visual anthropology, thereby presenting a case for cinema as visual anthropology.

4.3 Cinema and Anthropology

“When the image moves it *qualifies* the character of human behaviour. Refinements of interpersonal behavior are suggested in still photographs, but conclusions must still rest on often projective impressions that “fill in” what the photograph does not contain. With moving records, however, the nature and significance of social behaviour becomes easier to define with responsible detail, for it is the language of motion that defines love and hate, anger and delight, and other qualities of behaviour. For this reason visual studies of behavior and communication tend to use film and video rather than the still camera.” (Collier and Collier, 1986, p140). This observation by John and Malcolm Collier in their seminal book, “Visual Anthropology: Photography as a Research Method”, serves as an important standpoint from which the current research can be viewed. We are trying to look at the phenomena of cross-cultural copyright violations and ‘inspirations’, and adaptation across subject-matters of copyright, in terms of an anthropological perspective. The basic argument that this research endeavors to present is that the moving image of film contains valuable anthropological information and is an effective and efficient medium for such a function, establishing a case for cinema as visual anthropology.

“Cinema and anthropology have a parallel history and development. They came from the same nineteenth-century Euro-American intellectual and cultural foundations. The cinema has four conceptual origins: (1) it is a device to tell stories (i.e., a narrative function), as seen in the early films of Thomas Edison and Edwin S. Porter (such as *A Day In The Life of An American Fireman*); (2) it is a device of fantasy, as seen in the works of the conjurer, George Méliés (for example, *A Trip to the Moon*); (3) it is a device to capture everyday events in the lives of people—some ordinary and some exotic—as seen in the works of the Lumière Brothers; and (4) it is a device to study movement through space and time...” (Ruby, 1980, p166).

Although the above assertion may suggest a strong parallel between the history and development of cinema and anthropology, a conceptual association between the two fields is not so strongly established. Cinema can primarily be visualised as a depiction of people and their actions within the context of relationships and society in a particular culture. Although it has numerous forms and formats, the depiction of people and their actions remains a common denominator in all kinds of cinema. Anthropology is the study of humans. It can be classified into categories such as socio-cultural anthropology, physical anthropology, archaeology and linguistic anthropology. Academic scholarly literature has very limited references to the relationship between anthropology and cinema. The general perception also is that both these fields are sufficiently different from each other to accord any possibility for even a rudimentary correlation between the two. The only exception here, where cinema and anthropology come together, is in the case of ethnographic film, which is a form of documentary cinema. Apart from that, in the domain of fiction films, anthropology is not seen to have much of a role to play in

terms of analysis or understanding of one from the other. They are seen as the proverbial chalk and cheese! That perception may however be a bit erroneous, since it might be possible to find to some ways in which cinema and anthropology might be associated. Socio-cultural anthropology is conceivably the branch of anthropology which comes closest to such an association, since the context of cinema is most generally socio-cultural. To quote from the webpage of American Anthropological Association: “Socio-cultural anthropologists examine social patterns and practices across cultures, with a special interest in how people live in particular places and how they organize, govern, and create meaning. A hallmark of socio-cultural anthropology is its concern with similarities and differences, both within and among societies, and its attention to race, sexuality, class, gender, and nationality.” Many of these issues, such as class, sexuality or gender are often subjects of cinema, or concerns that it deals with, or simply form the context within which the actions of its characters takes place.

4.4 The Field of Visual Anthropology

The field of Visual Anthropology encompasses three separable but related areas: 1. the study of visual manifestations of culture-facial expression, body movement, dance, body adornment, the symbolic use of space, architecture, and the built environment; 2. the study of pictorial aspects of culture from cave paintings to photographs, film, television, home video, and so on; 3. the use of pictorial media to communicate anthropological knowledge. (Ruby, 1989) The second and third points, and their implications, are pertinent to our endeavour to establish a connection between cinema and anthropology. Banks and Morphy (1997) in their seminal work titled “Rethinking Visual Anthropology”, show that the scope of Visual Anthropology is not limited only to ethnographic film (as is the commonly held notion), but is far broader, encompassing the

analysis of myriad works of visual media and art, such as photography and television. A pioneering effort for the use of film to analyze cultural behavior was made by Mead and Bateson (1942). Photographic evidence in visual anthropology has been increasingly drawn into film and video, for they have expanded non-verbal research with flowing records of culture and behaviour through time and space. Film and video have become essential for the study of human behaviour, as in investigations of interaction in city space or research of schoolroom culture. (Collier, 1986) While the anthropological use of pictorial media may be as old as the technology itself, the field still has an unclear public image (Ruby, 1989).

4.5 The Indian Film Industry

The Indian film industry is arguably the largest film industry in the world, going by the number of films it churns out each year. It is as old as cinema itself and certainly older than Hollywood which began in the late 1900's. (Desai, 2007) The Indian Film Industry comprises of not just the more prominently visible mainstream Bollywood, but also regional film industries of different states. There is no doubt as to the current position of the Indian Film Industry as a predominant cultural and economic force in the world, given its standing as the world's largest producer of movies. The Indian film industry is one of the few modern industries built up with indigenous talent through the 20th Century (Desai, 2007). Despite its huge size and mammoth visibility, Indian cinema, especially mainstream Hindi-language cinema commonly known as Bollywood, is plagued by the issue of illegal, unauthorized copying of foreign films.

4.6 Copyright Violations and ‘Inspirations’

Bollywood has often been criticized for blatantly copying storylines of western films, especially Hollywood films. For an industry that is reputed to be the largest film industry in the world in terms of number of movies produced, and whose worldwide ticket sales outnumber that of Hollywood by a huge margin, this is surprising but nonetheless true. A majority of Indian films are copied in part or in full, generally from Hollywood. This is not a recent trend but has been happening since decades in the Indian film industry. The Raj Kapoor-starrer *Chori Chori* (1956) was largely copied from Frank Capra’s *It Happened One Night* (1934). The same Hollywood movie was remade yet again as *Dil Hai Ke Manta Nahin* (1991) toplining Aamir Khan. Bollywood comedy *Bheja Fry* (2007) was a ripoff of the French movie *Le Dîner de Cons* (1998). The Hollywood musical *Seven Brides for Seven Brothers* (1954) was made into *Satte pe Satta* (1982) starring Amithabh Bachchan. The examples of such copying or ‘inspired versions’ made in India are endless. However, for a very long time Hollywood was largely indifferent to such copying and totally nonchalant to taking any kind of action against violations. Lately however, it has woken up to the indiscriminate copying by Indian film-makers of its scripts, screenplays and storylines. In probably the first lawsuit against an Indian production company by a Hollywood studio, 20th Century Fox sued BR Films for £940,000 (Rs 70 million, approx), saying that the Chopras' film, *Banda Yeh Bindaas Hai*, was an illegal remake of their original, *My Cousin Vinny*. (Prabhakar, 2009) When the Colin Farrell-starrer *Phone Booth* (2003) was remade into *Knock Out* (2010) in India “the Bombay High Court decreed in favour of the international production house against the producers of the 2010 release” (Shetty, 2010). This recent spate of lawsuits by Hollywood film companies have served to instill some amount of fear in the minds of Indian film-makers. There are some instances now of Indian film-makers officially

buying the remake rights for Hollywood films. But unauthorized copying still goes on and probably many more lawsuits are required to totally turn the tide.

4.7 Copyright Violations and ‘Inspirations’: Anthropological Perspective

The common joke in Bollywood circles is that the first step for making a film is purchasing a DVD of the Hollywood film that you want to copy or ‘get inspired from’.

That is of course a tongue in cheek remark since the Hindi film industry also has its share of original and pioneering films and film-makers, though those are few and far between, with a majority of films being copied in part or full from one or many sources.

Ganti (2002, p281) makes a sharp comment on the way many Bollywood films are supposedly adapted from Hollywood films through the following conversation:

We had gathered to watch *Fatal Attraction* on laser disc because Radhika, who was an actress, and her friends – a director, a cinematographer, a screenwriter, an assistant director, and a few actors – were thinking of remaking it into a Hindi film. Although most of them had seen the film before, they were watching it that night to decide whether to remake it.

“During a particularly passionate sex scene, Radhika turned to Tarun who would be directing the potential remake, “What will you do? Will you show a song here? How are you going to show them having great sex?”

Tarun said, “I can do it.”

“How can you?” pressed Radhika.

“I’ll do it,” assured Tarun.

“No, not like how you did in your last film, not with shadows and silhouettes and close shots. That’s not going to do it.”

When Tarun asserted, “Don’t worry, I can do it,” Radhika objected: “But wait, if you do it, I can’t be seen doing that with someone I just met for the very first time! I can’t do that!”

Tarun pointed out, “But you’re not stable” [referring to the character, not to Radhika].

Radhika protested, “I don’t want to be mentally unstable! It’s quite unfashionable now; that’s just not what’s done!”

After the film was over, Tarun declared, “We can’t make this film.”

Imran, who was a writer, concurred, “You’re right. It doesn’t work. It’s really boring”.

The above conversation brings into perspective the socio-cultural changes required in a typical ‘inspired version’: the anthropological aspects of cross-cultural transformation of film are quite noticeable. Moreover, this cross-cultural transformation is also linked to the cross-cultural perception of various emotional states. As discussed earlier, unauthorized and illegal remakes and copies of western films abound in the Indian film landscape. A common phenomenon is the creation of ‘cultural copies’ of Hollywood and other western films, where the plot and characters remain largely the same but the cultural context and milieu is changed to suit the sensibilities of the Indian audience. Since the changes are effected more to bring the social and cultural characteristics of the film in line with the sensibilities of the audience, it may be possible to analyze some of these aspects in terms of socio-cultural anthropology. This form of socio-cultural adaptation is also intricately linked to the audiences’ thought patterns and their sociological sensibilities.

As an example, the Hindi film *Hum Tum* (2004) is evidently inspired from the Hollywood film *When Harry met Sally* (1989), but the former is a much more sanitized version suitable to the Indian audience, where implicit references and allusions to sex are omitted. Or take the example of *Pyaar To Hona Hi Tha* (1998), which was much inspired from the American romantic comedy *French Kiss* (1995). Much of the plot and characters are kept

the same and in both the films, the protagonist is trying to smuggle an expensive piece of jewellery through the customs by planting it in the heroine's luggage. However, a few differences, which may be trivial to the film's plotline but are crucial to the socio-cultural context of the film, are brought about. While Luc, the protagonist of the American film is shown to have a past where he has gambled away his right to his ancestral property to his own brother, Shekhar, the protagonist of the Indian film, needs the money since his family property is mortgaged with the moneylender. This small change, though insignificant to the film, underlines the different socio-cultural framework in the two films. Sometimes, however, when a movie is copied from a foreign one, it may be possible to keep the socio-linguistic elements similar if the story takes place in a similar setting in both the films. The Hindi film *Partner* (2007) was an unofficial remake of the Will Smith-starrer *Hitch* (2005), and since both films take place in an urban setting, the character motivations and linguistic expressions have much similarity.

4.8 Anthropological and Sociological Issues in Copyright Adaptation: The Case of Slumdog Millionaire

Adaptation stands for 'change of form': a work is said to be an adaptation of another when the second work is clearly and visibly a derivative of the earlier work. The right of adaptation is one of the rights in the bundle of rights available to the copyright holder. Evidently, the most popular mechanism of adaptation is the conversion of literature into cinema. Shakespeare's plays have been adapted into numerous movies in different countries around the world. Socio-cultural elements are often modified in such movies to bestow the film with a strong relationship with its culture in terms of the social, cultural and anthropological context. The Shakespearean drama, *Othello* was adapted into the

hindi film *Omkara* (2006), but with sufficient changes to the cultural landscape, social milieu and linguistic stance.

The changes affected in the movie while adapting from the literary work such as a short story or novel may underscore the potential and suitability of cinema for containing and transmitting anthropological information. We explain this phenomenon by taking the case of one particular movie: the multiple Academy Award-winning *Slumdog Millionaire*, which was adapted for the screen from a novel titled *Q&A*. Through the following analysis, we try to accomplish two things. Firstly, to analyse the differences between the book and the adapted film version to understand the differential anthropological information that a film might be able to convey, and secondly to analyse the story elements in the film per se to understand how anthropological knowledge may be embedded into a film.

Slumdog Millionaire is the story of a young man named Jamal Malik who, since his childhood, has lived a tragic life in the slums but goes on to win a jackpot on the Indian version of *Who Wants to be a Millionaire*. He has been apprehended by the police after he has answered the penultimate question correctly, on suspicion that he might be cheating. Though police suspect that he might be cheating since it is unlikely that an uneducated slum-dweller could know the answers to questions being asked on a quiz show like this, but Jamal is able to justify his knowledge of these answers by citing various instances and events from his life as a reference to the theme of each question. It is through this narration of his life, question by question, that we are able to get a peep into the kind of life that Jamal has had till now.

In one of the earlier scenes in *Slumdog Millionaire*, a young Jamal is seen defecating inside a makeshift, tattered commode. His brother Salim, ever profit-minded, brings a

‘client’ and urges Jamal to get over quickly and come out so Salim could charge the ‘client’ for facilitating the use of the commode. This tripartite discussion between Salim, Jamal and the ‘client’ is starkly humorous and brings out the appalling living conditions of the characters. There is no access to proper sanitation and the facilities available are deplorable and undignified.

As the scene progresses, a helicopter carrying the reigning superstar of Indian films, Amitabh Bachchan, lands at an open strip nearby. That a contiguous piece of land should serve in part as a tattered commode and in another part as a helipad for the super-rich is a sharp comment on the polarised but intermingling worlds of the rich and the poor. Jamal is a big fan of the superstar and gets very excited on hearing that he has arrived, but he is unable to open the commode door since it has been shut from outside by Salim in frustration that he has not been able to earn a quick buck by offering the facility to his client. Jamal is so enthused at the prospect of meeting the superstar that he takes the only possible option: he jumps into a sea of faecal matter below him (there is no sewerage disposal) and emerges out of it ‘covered in shit’, conveying visually the ironic significance of that metaphor in a very literal sense. This is a biting visual remark on the deplorable living conditions of the poor and the downtrodden; of those living on the fringes of society.

Identity is a very significant parameter in the study of humans, and religion is one of the primary influencers of identity. Not just at the individual level, religion shapes identity and notions of self-identification at the sociological and national level as well. While the author of the novel names the protagonist as Ram Mohammed Thomas, to symbolise him as the Indian common man who is a Hindu, Muslim and Christian at the same time, the movie takes no such liberties. The protagonist is Jamal Malik, a Muslim, a member of the religious minority community in India, which, according to some perceptions is a

marginalised community in Hindu-dominated India. The perception in the minds of the audience, of a suppressed and marginalised protagonist, is thus strengthened. The framing of identity thus helps the cause of the film's story, since in victory he becomes an even bigger hero. Everybody loves the underdog, or should we say, slumdog!

In the life of the slums, exposure to violence begins at an early age. Jamal is able to answer on of the questions based on religion, and the reference for the answer comes from the from a very tragic event: his mother was killed in the religious violence perpetuated by frenzied mob. The identity of the slum-dweller is often shaped by the incidence of violence.

Family and family relationships shape the identity of a person and are thus instrumental in understanding and analysing the individual in whose context the relationships are being observed. So while in the novel we have Salim as the protagonist's best friend, that character is analogously converted into Jamal's brother with whom he has a love-hate relationship. That Salim forcibly sleeps with Jamal's love interest, Latika, is a peep into the incestuous nature of relationships especially within families with distorted power structures. However, the inherent position of family in one's psyche and identity is well demonstrated in future incidents. For example, it is Salim who, in the end, helps Latika escape from the captivity of a gangster at the risk of his own life. Also, in a very interesting take, when Jamal does not know the answer to one of the questions on the quiz show, he uses his 'phone a friend' lifeline to call Salim. When asked why he would like to call his brother, his reply is simple: Salim's is the only phone number he knows. Jamal's love interest is shown to be a prostitute whom he befriends while working as a tour guide, in the movie Latika is his childhood friend who ends up captive in a gangster's captivity, establishing prostitution and bondage as an offshoot of poverty in a criminal environment.

The theme of exploitation is a common thread that runs through the movie. The characters face exploitation at the hands of circumstances, from people who may be strangers or family members, and in various ways are victimized by those more powerful than them. But in the end the film is a story of individual triumph over the hardships of life. Anthropological and sociological aspects are very effectively portrayed in such an adaptation

4.9 Concluding Remarks:

It may be asserted that film and anthropology are not as far removed from each other as suggested by the available academic literature. Although they seem to be different, there are definite overlaps waiting to be harnessed for research and for better understanding of film using anthropology. Vice versa may also be true implying that it might be possible to understand anthropology using cinema as a tool, since films contain useful anthropological information, apparent or codified. Similarly, film and sociology are quite related to each other since cinema conveys what is happening in society. Film, in some ways, thus becomes a sociological document. In the next chapter, we look at the case of one particular film, '*Barfi!*'

CHAPTER 5

CASE STUDY OF THE FILM *BARFI!*

This chapter includes a case study that was created as a part of the research work for this study. A thorough investigation was conducted of the various allegations regarding copyright infringement against the commercially successful and critically-acclaimed film *Barfi!*, in order to get a deeper understanding of the factors affecting copyright environment in the Indian film industry.

5.1 The Indian Film Industry

The Indian film industry is arguably the largest film industry in the world going by the number of films it churns out each year. It is as old as cinema itself and certainly older than Hollywood which began in the late 1900's (Desai, 2007). In terms of commerce, Bollywood is a thriving industry with films such as *Chennai Express* (Shetty, 2013), *Bhag Milkha Bhag* (Mehra, 2013), *Yeh Jawani Hai Deewani* (Mukerji, 2013) and *Krrish 3* (Roshan, 2013) in 2013 crossing the 100 crore mark. Some of these films also set all-time records in terms of revenue generation. The Indian Film Industry has been thriving, though it comprises of not just the more prominently visible mainstream Bollywood, but also regional film industries of different states. Very often though, Bollywood acts as the face of the whole Indian film industry because of its predominant perceptive significance as the national cinema of India. The era of liberalization and openness has been extremely favorable for the Indian film industry. Even there, Bollywood has left the other Indian (regional) film centres (Tollywood, Pollywood *et al*) in its race to be a part of the international arena. Edged with a strong backing from its diaspora spread in the U.K., the U.S. and Canada, Bollywood cinema has naturally come to occupy a niche position. There is no doubt as to the current position of the Indian Film Industry as a predominant cultural and economic force in the world, given its standing as the world's largest producer of movies.

The Indian film industry “is one of the few modern industries built up with indigenous talent through the 20th Century.” (Desai, 2007). Though, Bollywood has not been the subject of many serious academic researches, various scholars have discussed the significance of the economic and cultural dimensions of Bollywood. Pillania traced the continuing journey of the Indian film industry, particularly referring to Bollywood and its

current position as a predominant cultural and economic force in the world. With a substantial diaspora and the continuing growth of Brand India, the film industry has seen some international success in recent times. But it is still not a major force to reckon with internationally, and more efforts and money are required to be invested to take the Indian film industry to that next level where it can sustain itself in international markets and garner a higher market share of the global film industry. Pillania opined that ‘the industry has made progress in all four aspects of globalization, i. e., goods, capital, technology and people’ (Pillania, 2008). Wankhade discussed various aspects of film-financing in the Hindi film industry, elucidating the various phases in the making of a hindi film, comparing the hindi film industry with Hollywood and points to a marked difference in the working styles and funding methods of the two industries (Wankhade, 2009). Singh and House looked at Bollywood through two lenses, a cultural and an economic one. They looked at global film industry value chains and analyze the cultural value in these value chains. They traced the history of Indian cinema and its current global value chains. They systematically analyzed the various components of the Bollywood film industry and made a structured comparison with Hollywood of its various aspects (Singh, House, 2010).

5.2 Copyrights and the Indian Film Industry

Despite its huge size and mammoth visibility, Indian cinema, especially mainstream Hindi-language cinema commonly known as Bollywood, is plagued by the issue of illegal, unauthorized copying of foreign films. Banerjee looked at infringement in the Indian film industry through the twin lenses of the Indian and English copyright laws, examining film and screenplay copyright infringement and the implications of ‘altered copying’. He created a sharp divide between Bollywood and ‘non-Bollywood’ film-makers in India and opined that if Bollywood film-makers were to be sued (more often) for copying western films (which they presumably do for saving on thinking and creating), it would indirectly help the Indian film industry by strengthening the position of original, ‘non-Bollywood’ film-makers who do not copy storylines from western films (Banerjee, 2010). Sunder analyzed the role of copyright in promoting free cultural exchange, especially given the international nature of the ‘ideas economy’ and its efficacy in providing strong and differential advantages. In the context of numerous controversies, allegations and lawsuits by Hollywood studios against Indian film-makers,

she opined that cultural exchange must be not only free but also ‘fair’ (Sunder, 2011). This ‘fair exchange’ is still a challenge though, and the contentious issue of copyright violation in the Indian film industry seems to continue unabated.

5.3 The Case of *Barfi!*

India’s official entry to the Oscars in the Foreign Language Film category in 2012 was a film called *Barfi!*. It was one of the rare films of 2012 to achieve both commercial success and critical acclaim. Its lead actors garnered much love and appreciation for effectively portraying their respective characters, besides cornering awards at major ‘film-awards’, a phenomenon that is characteristic to Bollywood. In some ways *Barfi!* does deserve the success and acclaim: with an amazingly crisp script and screenplay, sound production values, credible performances, picturesque locations, competent cinematography and, last but not least, melodious songs, it securely contains all the ingredients of a successful Bollywood masala film. And with its sensitive and sublime portrayal of a differently-abled lead pair, it comes across as a warm film with its heart in the right place. While all seems hunky-dory, it may not necessarily be so. To start with, some of the scenes in the film have been copied from numerous international classics and hits. The male protagonist’s name ‘Barfi’ is the mispronounced version of Murphy: the name was given to him by his mother who was listening to Murphy Radio at the time he was born. British radio manufacturer Murphy Radio sued the producers for using their trademark without permission. The frame-for-frame copying of legendary Chaplin scenes went unnoticed by most of the viewers because of the Indian movie-going audience’s unfamiliarity with Hollywood films, especially the earlier ones. A small section of the audience and media did notice the unabashed and wrongful copying, but their cries of the film’s unoriginality went largely unnoticed in a film industry that’s sadly used to and permissive of copyright violations. In addition, the film’s music director was accused of having copied the music from the French film *Amélie* (Jeunet, 2001). Furthermore, *Barfi!* was nominated as India’s official entry in the foreign-language film category. This was not a very prudent step, given the by then well-known fact of it being a successful but unoriginal film.

Since the official selection of films to be sent to Oscars is done by government-formed committees, the selection of *Barfi!* was seen as a step towards legitimizing copying and copyright violations. The film was promptly shunted out as soon as it reached the Oscar

longlists, much like most of its predecessors. (India has a poor track record in the foreign language film category of the Oscars: only two Indian films have till date reached the last five, *Mother India* (Khan, 1957) and *Lagaan* (Gowariker, 2001), both of which were firmly rooted in Indian values and ethos. Neither won.) Ridiculously though, despite all the public criticism and plagiarism charges against his film, the director of *Barfi!* maintained and took “a lot of pride in saying *Barfi!* is original” and it was his way of “paying homage to the films and filmmakers that I grew up watching” (Agencies, 2012). The problem, however, is that the copying in *Barfi!* is evidently more than mere inspiration or tribute. Various scenes in *Barfi!* appear to have been lifted, not just from the classics of Charlie Chaplin and Buster Keaton, but from sundry international movies as well. In the discussion that follows, we analyze the various copied scenes and sequences from *Barfi!* by comparing with their original counterparts, to understand the actual position of this kind of copying within the ambit of current copyright laws in India.

5.4 Not so sweet: A discussion on what’s wrong with *Barfi!*

As per the idea-expression doctrine, copyright subsists in the expression of an idea, but not the idea per se. In a compound medium such as cinema it might often be difficult to judge what constitutes an idea and what constitutes the expression of an idea. For example, let us say a film depicts a “mentally ill girl finding love with a physically disabled boy”. There could be multiple films dealing with the same theme. As such it might be wrong to allege plagiarism if a person who takes up this very germ of an idea and makes his own version of the idea with a different expression. Hence, although comparisons have been drawn between *Barfi!* and *Benny and Joon* (Chechik, 1993), which is the story of two eccentric individuals in much the same vein as *Barfi!*, alleging plagiarism on just that count might be rather too harsh. On other counts however, the allegations appear to be much more severe. There are numerous scenes in *Barfi!* which appear to have been copied from other films.

Let us take the case of the “sliding door” sequence.



Image 1a The Sliding-door sequence in *The Adventurer* (1917)

Source: Snapshot from *The Adventurer* (1917)



Image 1b The Sliding-door sequence in *Barfi!* (2012)

Source: Snapshot from *Barfi!* (2012)

In his hilarious attempt to rob a bank, Barfi is seen playing hide-and-seek with the cop using a sliding door. The sequence has been taken from Charlie Chaplin's film *The Adventurer* (Chaplin, 1917). The whole sequence is almost completely copied. (Images 1a and 1b) Undoubtedly the Chaplin sequence fits well with the plot and storyline of *Barfi!* The act is replicated well by Ranbir Kapoor who is certainly a consummate actor. So the sequence sits pretty in the film, and it is amusing and heart-warming. However, the reader may note the use of the word *replicate* used in the discussion above. Despite the sequence fitting well into the story, it is merely a replication. To those who would have already watched and laughed at Chaplin's antics in the silent film, this kind of replication appears to be rather blatant and in-the-face. Moreover, this is the replication of *expression* and not merely the replication of an *idea*. For example, let us take the case of the "ladder sequence" in *Barfi!*



Image 2a The "ladder sequence" in *Cops* (1922)

Source: Snapshot from *Cops* (1922)



Image 2b The ladder sequence in *Barfi!* (2012)

Source: Snapshot from *Barfi!* (2012)

Ranbir Kapoor's character Barfi is shown dangling from a ladder perched precariously on a wall while a number of policemen are trying to get him down. The scene is hilarious with the ladder constantly inclining to either side of the wall under the weight of various characters trying to manoeuvre it. The scene in *Barfi!* is almost a complete replication of the similar scene from Buster Keaton's *Cops* (Keaton, 1922). (Images 2a and 2b)

In one of the earlier scenes in *Barfi!*, Ranbir's character accosts Shruti, the character of Ileana D'Cruz, who is going with a friend, to express his romantic admiration for her. While she refuses playfully first, she then tells him she's already engaged to be married. Barfi goes on to do something very interesting and endearing: he climbs up the clock tower and turns the clock back so that Shruti should forget his proposal and assume that his proposal had never occurred. The sequence helps to characterize Barfi as charming and intelligent at the same time. However, the core of this idea seems to have been taken from the Korean film *Lover's Concerto* (Han, 2002), where a similar proposal has been made and a clock turned back! (Images 3a, 3b and 3c)



Image 3a: The clock has been turned back!

Source: Snapshot from *Lover's Concerto*(2002)



Image 3b: The guy holding the clock
Source: Snapshot from *Lover's Concerto*(2002)



Image 3c: Barfi turning the clock back (of course Bollywood copies but does it in its grand style!)
Source: Snapshot from *Barfi!* (2012)

In one of the scenes in *Barfi!* a statue is being unveiled and Ranbir's character is found hiding beneath the wrap much to the confused amusement of the gathered audience: the scene has been lifted from Chaplin's *City Lights* (Chaplin, 1931) (Image 4). Similarly there is a scene in *Barfi!* where Ranbir is seated on a sofa with a doll, and he goes on to perform some characteristically silly antics using that doll as a prop. The whole sequence is very similar to one in *Singin' in the Rain* (Kelly, 1952), and even *Barfi!*'s idiosyncratic antics appear to be borrowed (Image 5). Just like with the earlier examples of Chaplin and Keaton, the plagiarism process seems to have been repeated in this sequence as well, much to the chagrin of the cinema-literate audience and of those well-versed with international and world cinema. In one of the sequences where Ranbir's character is being chased by the policemen there is a bicycle chase that looks very similar to one from

Jackie Chan's *Project A* (Chan, 1983) (Image 6). On watching both the chase scenes together, it is amply clear that the scene in *Barfi!* has been much influenced by the earlier scene.



Image 4: The statue unveiling scene from Chaplin's *City Lights* (1931)

Source: Snapshot from Charlie Chaplin's *City Lights* (1931)



Image 5: The doll sequence from *Singin' in the Rain* (1952)

Source: Snapshot from *Singin' in the Rain* (1952)



Image 6: The bicycle chase sequence from Jackie Chan's *Project A* (1983)

Source: Snapshot from *Project A* (1983)

Film directors are known to be masters of many skills and arts, but the art of lifting scenes and sequences from other's films seems to be one most well-mastered and well-used by the director of *Barfi!*. The hypothesis may not be so hard to disprove: if *Barfi!* was not evidence enough, its director's past films don't seem to negate the hypothesis as well. His earlier films, including *Murder* (Basu, 2004) and *Life in a Metro* (Basu, 2007) have been copied from international films, in part or in full. *Murder* (Basu, 2004) was the Indian (unauthorized) remake of the Richard Gere-starrer *Unfaithful* (Lyne, 2002), while *Life in a Metro* (Basu, 2007) was an urban collage which was influenced by a number of films, most notably the classic *The Apartment* (Wilder, 1960).

In a poignant scene from *Barfi!*, Shruti's mother explains to her the importance of being practical enough to marry the right man, who can provide well, instead of marrying the man you love. She demonstrates the efficacy of this approach by taking her out and pointing to one of the ordinary-looking workers, whom she claims she was in love with but chose not to marry because a possible future with him would have been financially insecure and uncomfortable. The scene seems to have been much inspired by a similar scene from *The Notebook* (Cassavetes, 2004), and for much of the audience who have watched *The Notebook*, (it being a more recent Hollywood film starring popular actors) the resemblance is awkward and unsavoury. Even the climax of *Barfi!*, where the characters of Ranbir and Priyanka die together in each other's arms, clearly reminds one of a similar scene from *The Notebook*.

Fortunately for the makers of *Barfi!*, none of the film-makers from whose films the different sequences have been variously copied, have sued them for infringement. The reasons for this are many and rather obvious in this case. In many cases, those film-makers might be unaware that their work has been plagiarized in a faraway place. The Indian film industry is globally seen as only a minor player, especially compared to the more influential Hollywood. Secondly, Chaplin's and Keaton's movies are classics from a bygone era, so there is an even more remote chance that the makers of these films would be still actively looking for, or looking to penalize violations. Even the makers of other international films, such as *Singin' in the Rain* (Kelly, 1952) or *Project A* (Chan, 1983), from which *Barfi!* has been copied, may not be aware of the plagiarism of their works. Even if they were aware, they may find it not worth their while to go after the culprits given the prevalence of a lethargic judicial system in India. However, if one were to apply the layman test to decide whether the various copied sequences should be qualified as copyright infringement or not, many of the sequences in *Barfi!* are likely to be classified as copyright infringement. For example, let us take the case of the "ladder sequence" in *Barfi!* where Ranbir Kapoor's character is shown dangling from a ladder perched precariously on a wall with policemen trying to get him down. The scene is hilarious with the ladder constantly inclining to either side of the wall under the weight of various characters trying to maneuver it. Now consider a layman watching this sequence from *Barfi!* side-by-side with the similar sequence from Buster Keaton's *Cops* (Keaton, 1922). It would be adequately clear and visible in this case, that the sequence in *Barfi!* has been largely and sufficiently copied from the similar sequence in the Keaton classic. It is not just the idea that has been taken, but the expression of that idea has been copied almost entirely. By applying the same logic to most of the other scenes discussed it would be easy to judge that the copied scenes in *Barfi!* represent the plagiarism of expression rather than the mere use of a similar idea.

5.5 Concluding Remarks:

Summing up it may be suggested that *Barfi!* is a conspicuous example of the phenomenon of unabashed copying that goes on in the Indian film industry. It brings out the dichotomous meaning of success in the creative industries (especially ones with a permissive culture of copying): can a film that earns millions be called successful if it contains scenes or sequences that have been illegally copied from other sources in an

unauthorized manner? While cinema is primarily an art form which has had its share of auteurs who have taken that art to exceedingly high levels of proficiency, it is also a very costly and commercial art form. There are thus temptations to resort to stealing from others. Indian film-makers need to understand and be made aware that stealing, or using someone else's work without their permission, due either to monetary reasons or creative lethargy, can never be justified. Dishearteningly then, *Barfi!* is the quintessential example of a successful but shameful Bollywood film, one that is ready to overlook ethical considerations and creative integrity for the sake of monetary gains and territorial success.

CHAPTER – 6

DATA ANALYSIS AND STRATEGIC FRAMEWORK

After presenting copyright scenario prevalent in India and especially highlighting it through the case study of film *Barfi!* and presenting the anthropological perspective of copyright, in the present chapter an attempt has been made to analyze the attitude of film-making professionals in creative and managerial roles, as well as of those working in the mainstream and regional film industries, towards copyright. This chapter also explores the factors, both individual and policy factors, contributing to copyright environment. This is based on survey-based analysis. Thereafter, on the basis of integrated and holistic perspective, a strategic framework for improving copyright environment in the Indian film industry is suggested.

Section 6.1: Respondent Analysis

6.1.1 Sample Distribution

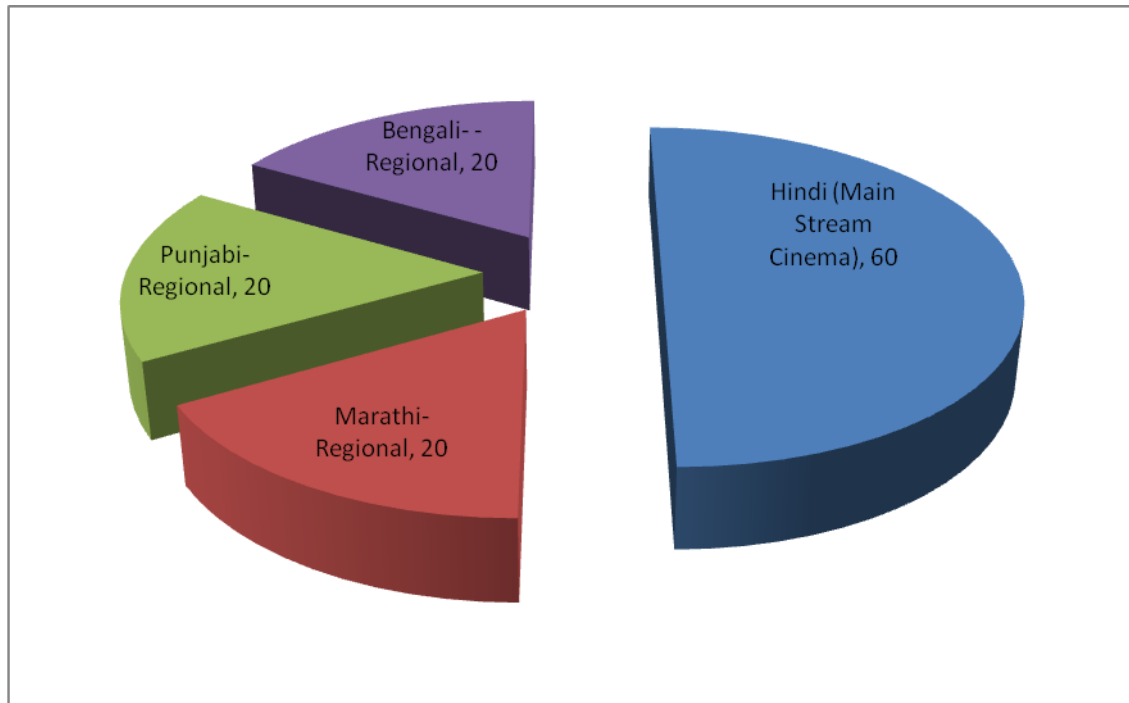


Figure 6.1: Sample of Film Professionals

From the total sample of 120 film Professionals as shown through figure 4.1, 60 professionals are from Mainstream Film Industry. For regional film professionals, the mix of professionals from three different regional film industries included in the sample are: twenty from Punjabi films, twenty from Bengali Films and twenty from Marathi films.

6.1.2 Categories of Film Professionals

Further this sample of 120 film professionals included two categories, Film professionals in creative role and film professionals in managerial role. The sample was equally divided into these two categories. The sample of 60 film professionals from mainstream included 30 film professionals in creative role and 30 in managerial role. Similarly out of sample of 20 in regional films 10 are creative film professionals and 10 are managerial film professionals.

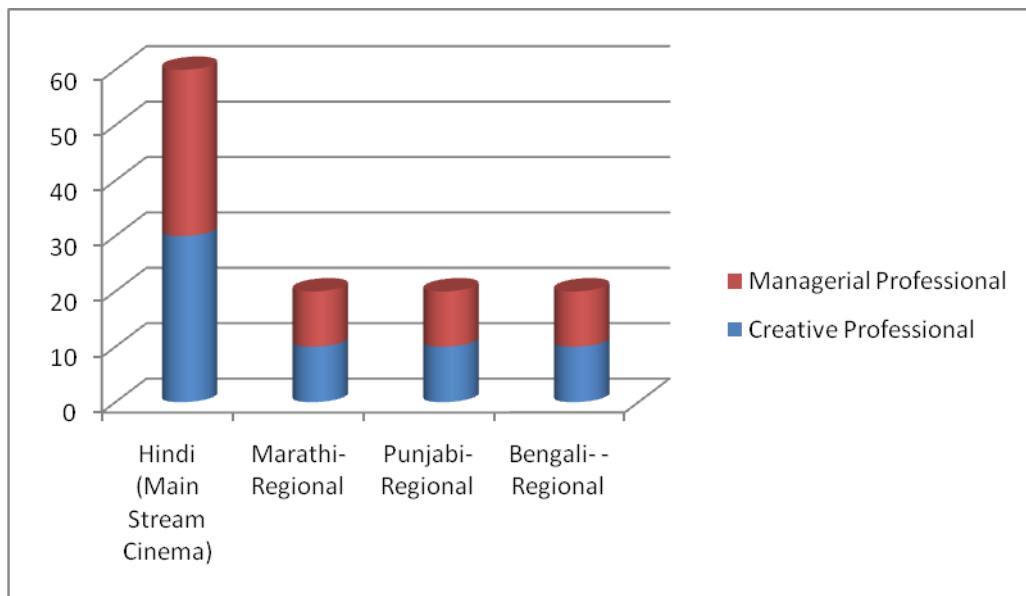


Figure 6.2: Categories of Film Professionals

6.1.3 Gender

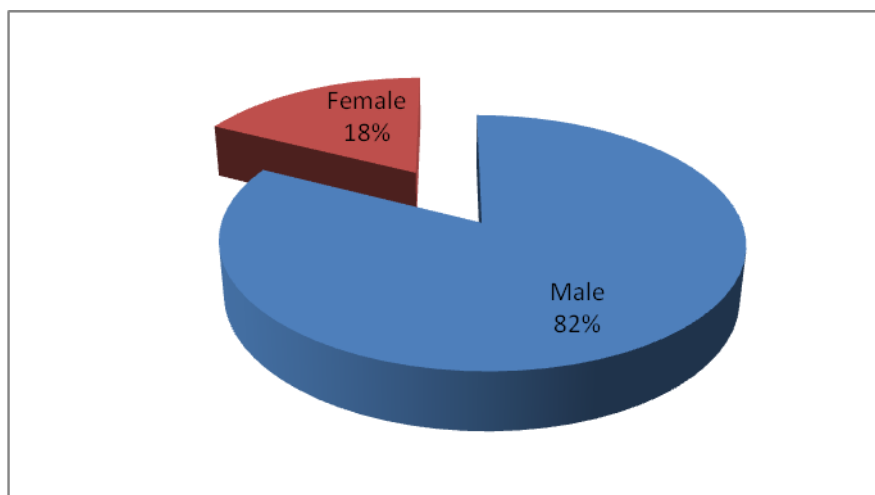


Figure 6.3: Gender of Respondents

Data shows that 82 percent of the respondents were males and 18 percent were females. That is 99 out of the 120 respondents were male and 21 female. This also indicates that males predominate in the film professionals.

6.1.4 Educational levels of respondents

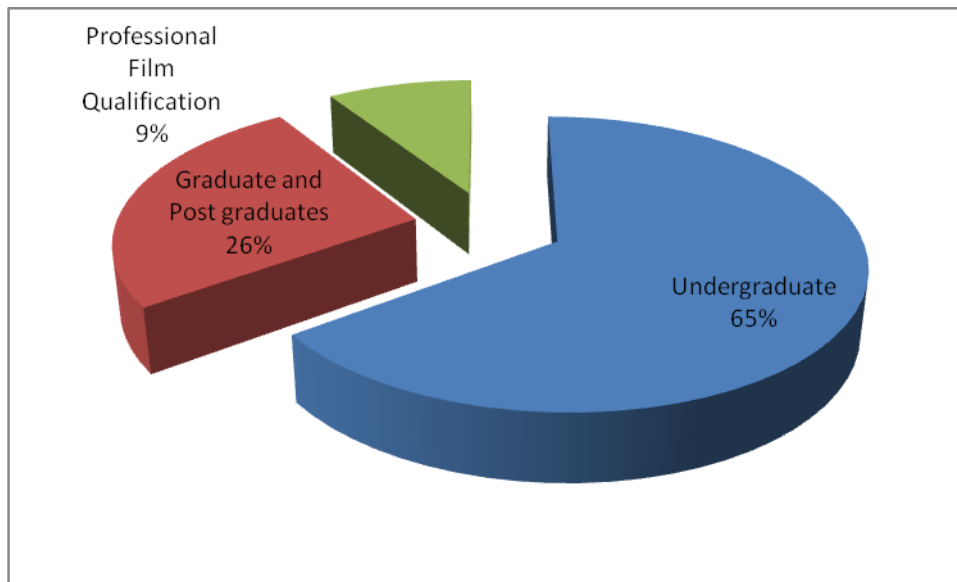


Figure 6.4 Educational levels of respondents

Educational level analysis throws light on the fact that only 9% respondents are with professional film qualifications only. 26 % of respondents are graduates and majority is undergraduates.

6.2 Individual and Policy Factors

The first step of the study is to analyze the Individual and Policy factors contributing to copyright environment from the film-making professionals' perspective. The questionnaire had 24 items covering Individual and Policy factors contributing to copyright environment. The related objective is:

Objective 1: To analyze the factors (Individual and Policy factors) contributing to copyright environment.

The questionnaire for survey of film-making professionals has been used to identify factors that impact the copyright environment, and also to identify the attitude of film-making professionals towards copyright.

6.2.1 Individual Factors

Individual factor had 12 features selected through literature. Through descriptive statistics effort was made to identify the broad trends. The analysis has been done on the basis of Mainstream and Regional Film Professionals as well as on the basis of Creative and Managerial professionals.

Table 6.1 Features of Individual Factors and Mainstream and Regional Film Professionals

Feature No	Features of Individual Factors	Language					
		Mainstream		Regional		Total	
		Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation
I1	Knowledge of Registration Procedure	3.40	1.04	3.32	1.17	3.36	1.11
I2	Knowledge of Infringing Uses	3.50	0.98	3.62	0.83	3.56	0.91
I3	Adapting foreign films for Indian audiences is infringement	4.28	0.49	4.32	0.68	4.30	0.59
I4	Knowledge of 'Fair use' and 'public domain' are areas of free usage of copyright	3.55	0.70	3.53	0.81	3.54	0.75
I5	Knowledge of process of taking license.	3.53	0.98	3.43	1.05	3.48	1.01
I6	Awareness of successful penalizing litigation discourages violation.	3.25	1.11	3.23	1.11	3.24	1.11
I7	Violation once increases tendency of future violations.	3.97	0.80	3.83	0.83	3.90	0.81
I8	Experience of usage of someone else's work without acknowledging the source.	2.05	1.49	1.92	1.53	1.98	1.51
I9	Experience of victimization	3.22	1.45	3.17	1.54	3.19	1.49
I10	Peer Influence	2.62	1.12	2.87	1.16	2.74	1.14
I11	Violation of copyright causes guilt which discourages future violation	2.50	0.98	2.32	1.08	2.41	1.03
I12	Success of infringing work encourages maker to create more infringing works.	3.98	0.93	4.05	0.77	4.02	0.85

The results as shown through table 6.1 highlight that I3-Adapting foreign films for Indian audiences is infringement was accorded the highest value both by mainstream and regional film professionals. This was followed by I12-Success of infringing work encourages maker to create more infringing works. I I7-Violation once increases tendency of future violations, was next on priority. The lowest rating by both the groups

of professionals was accorded to I8-Experience of usage of someone else's work without acknowledging the source.

The results for Creative and Managerial Film Professionals are shown through table 6.2.

Table 6.2: Features of Individual Factor and Creative and Managerial Film Professionals

Feature No	Features of Individual Factor	Creative Professional		Managerial Professional		Total	
		Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation
I1	Knowledge of Registration Procedure	3.15	1.12	3.57	1.06	3.36	1.11
I2	Knowledge of Infringing Uses	3.50	0.87	3.62	0.94	3.56	0.91
I3	Adapting foreign films for Indian audiences is infringement	4.25	0.65	4.35	0.52	4.30	0.59
I4	Knowledge of 'Fair use' and 'public domain' are areas of free usage of copyright	3.58	0.70	3.50	0.81	3.54	0.75
I5	Knowledge of process of taking license.	3.42	1.09	3.55	0.93	3.48	1.01
I6	Awareness of successful penalizing litigation discourages violation.	3.18	1.11	3.30	1.11	3.24	1.11
I7	Violation once increases tendency of future violations.	3.87	0.81	3.93	0.82	3.90	0.81
I8	Experience of usage of someone else's work without acknowledging the source.	2.03	1.47	1.93	1.55	1.98	1.51
I9	Experience of victimization	3.00	1.58	3.38	1.38	3.19	1.49
I10	Peer Influence	2.58	1.06	2.90	1.20	2.74	1.14
I11	Violation of copyright causes guilt which discourages future violation	2.42	1.12	2.40	0.94	2.41	1.03
I12	Success of infringing work encourages maker to create more infringing works.	4.10	0.82	3.93	0.88	4.02	0.85

The results as shown through table 6.2 highlight that creative film professionals perceive that I3-Adapting foreign films for Indian audiences is infringement got the highest mean. Next in ratings is I12-Success of infringing work encourages maker to create more infringing works. I7-Violation once increases tendency of future violations with a mean score of 3.87 was next on priority. I 3 got highest priority from managerial group as well. I2 and I3 were rated with a similar mean score of 3.83. The lowest ratings by both the groups have been for I8-Experience of usage of someone else's work without

acknowledging the source. Descriptive statistics briefly highlighted the broad trends. Further analysis of individual factors was done through factor analysis.

The results of factor analysis applied on Individual factors helped to classify them into broad similar factors. The results are shown in table 6.3. Factor analysis helped to classify these into 5 factors, viz. Knowledge & Experience; Experiential Involvement; Violating Tendency; Acceptable Usage; and Violation Hedonism.

The first factor, ‘Knowledge and Experience’ had three items, viz. ‘Knowledge of Registration Procedure’; ‘Knowledge of Infringing uses’; and ‘Experience of usage of someone else's work without acknowledging the source’. This explained 15.272 % of variation. ‘Knowledge of Registration Procedure’ and ‘Knowledge of Infringing Uses’ had higher loadings. This is understandable since film professionals possessing this knowledge will be able to protect their copyrights more effectively. Also, knowledge of infringing uses will prohibit film professionals from violating copyrights of others. Experience of usage of someone else's work without acknowledging the source, though having relatively lesser loading, is an important factor too, since it determines the number of times copyrights would have been violated.

Table 6.3: Factor analysis of Features of Individual Factor

Feature No:	Feature Name	Individual Factors				
		Knowledge & Experience IF1	Experiential Involvement IF2	Violating Tendency IF3	Acceptable Usage IF4	Violation Hedonism IF5
I 1	Knowledge of Registration Procedure	.767				
I 2	Knowledge of Infringing Uses	.706				
I 8	Experience of usage of someone else's work without acknowledging the source.	.671				
Eigen value		1.833				
% of Variation		15.272				
I10	Peer Influence		.699			
I 9	Experience of victimization		.686			
I5	Knowledge of process of taking license.		.665			
Eigen value			1.829			
% of Variation			15.244			

I 6	Awareness of successful penalizing litigation discourages violation.			.789		
I7	Violation once increases tendency of future violations.			.749		
Eigen value				1.399		
% of variation				11.661		
I 4	Knowledge of 'Fair use' and 'public domain' are areas of free usage of copyright				.849	
I11	Violation of copyright causes guilt which discourages future violation				.556	
Eigen value					1.196	
% of Variation					9.968	
I12	Success of infringing work encourages maker to create more infringing works.					.893
Eigen value						1.132
% of Variation						9.431
Total variation						61.575

In Factor 2, i.e. Experiential Involvement, all three items, viz. 'Peer Influence'; 'Experience of victimization'; and 'Knowledge of process of taking license' had loadings less than seven. These are thus moderately important. Peer Influence implies that film-makers often violate copyright because they see their peers doing the same; i.e. one of the reasons why film-makers violate copyright is because they often deal with other professionals who have a tendency of violating copyright. This might hold true in some cases since the mores of any industry are often determined by peer influence. But contrarily, infringing activities may rather also be one's individual prerogative. Experience of victimization implies that the film-professionals had at least once experienced their copyright being violated. Though this might be a common occurrence and observed by many film professionals, but since Indian filmmakers often copy from international films and film-makers (from Hollywood, European cinema etc), who were not covered by our survey, hence the loading for this factor is not significantly high. The last factor i.e. knowledge of the process of taking license, had the least loading amongst the three factors herein. This is because not many film professionals may have the exact knowledge of proper process of taking license or permission for using another's work.

The third factor, 'Violating Tendency' had two items; viz. 'Awareness of successful penalizing litigation discourages violation' and 'Violation once increases tendency of

future violations'. Both these factors had higher loadings in factor 3. Thus, being aware of copyright litigation where the violator was penalized for copyright violation would strongly discourage violation. This is intuitively appealing and understandable, since examples of judicial penalization would deter others from committing similar unlawful acts. The second item states that violation of copyright once increases the tendency of future violations of copyright. The significant loading for this item is corroborated by a common observation in Indian film industry: film-makers who have violated copyright in one of their movies have often violated copyright in their other films as well.

'Knowledge of Fair use and public domain' (areas of free usage of copyright) had loading greater than 0.80 and is perceived to be of higher importance. These are areas where film professionals can use other people's copyrights in a rightful manner without violating copyright.

What was surprising was the acceptance and highest loadings to 'Success of infringing work encourages maker to create more infringing works'. The significance of this item becomes clear once we relate it to the fact that film-makers who infringe copyrights and are able to achieve success by such plagiarism often get on the juggernaut and keep violating copyrights in their subsequent projects as well. Lowest loadings were accorded to violation of copyright causes guilt which discourages future violation, which indicates that there is not much guilt associated with violating copyright.

6.2.2 Policy Factors

There are 12 items included in Policy factors selected through extensive literature review. Preliminary analysis on the basis of mean and standard deviation has been done to understand priorities of film making professionals.

Table 6.4: Features of Policy Factor and Mainstream and Regional Film Professionals

Feature No	Features of Policy Factor	Language					
		Mainstream		Regional		Total	
		Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation
P1	Copyright societies as facilitators of licensing.	4.00	0.76	4.22	0.64	4.11	0.71
P2	Statutory listing of available works	4.15	0.55	3.95	0.85	4.05	0.72
P3	More branch offices/ facilitation centres for copyright registration	4.28	0.64	4.30	0.56	4.29	0.60
P4	More trained IP lawyers	3.80	1.01	3.97	0.82	3.88	0.92
P5	Awareness campaigns for sensitizing towards copyright	4.48	0.50	4.25	0.60	4.37	0.56
P6	Copyright societies as watchdogs	4.13	0.68	4.12	0.72	4.13	0.69
P7	Copyright laws in India cover all major contentious areas and issues	2.75	1.40	2.73	1.33	2.74	1.36
P8	The time taken by Indian courts should be reduced	4.53	0.54	4.48	0.54	4.51	0.53
P9	Better and stricter enforcement of copyright laws	4.47	0.50	4.47	0.54	4.47	0.52
P10	Legal mechanism for international violations inadequate	3.80	1.01	4.08	0.72	3.94	0.88
P11	Loopholes lead to weak enforcement	3.32	1.23	3.03	1.21	3.18	1.22
P12	Suitable remedies enforced	1.72	0.85	1.83	0.83	1.78	0.83

Both the groups have given highest priority to P8-The time taken by Indian courts should be reduced. P5-Awareness campaigns for sensitizing towards copyright and P9-Better and stricter enforcement of copyright laws were the next prioritized features accepted by both creative as well as managerial professionals. The least prioritized feature was P12-Suitable remedies enforced with a score of 1.72 by mainstream professionals and 1.83 by regional professionals. The results highlight similar perception of both categories of film professionals.

Features of Policy Factor and Creative and Managerial Film Professionals have also been covered to observe broad trends.

Table 6.5: Features of Policy Factor and Creative and Managerial Film Professionals

Feature No.	Features of Policy Factor	Creative Professional		Managerial Professional		Total	
		Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation
P1	Copyright societies as facilitators of licensing.	4.12	0.69	4.10	0.73	4.11	0.71
P2	Statutory listing of available works	4.02	0.81	4.08	0.62	4.05	0.72
P3	More branch offices/ facilitation centres for copyright registration	4.32	0.57	4.27	0.63	4.29	0.60
P4	More trained IP lawyers	3.93	0.90	3.83	0.94	3.88	0.92
P5	Awareness campaigns for sensitizing towards copyright	4.38	0.58	4.35	0.55	4.37	0.56
P6	Copyright societies as watchdogs	4.12	0.69	4.13	0.70	4.13	0.69
P7	Copyright laws in India cover all major contentious areas and issues	2.73	1.42	2.75	1.30	2.74	1.36
P8	The time taken by Indian courts should be reduced	4.48	0.50	4.53	0.57	4.51	0.53
P9	Better and stricter enforcement of copyright laws	4.40	0.53	4.52	0.50	4.47	0.52
P10	Legal mechanism for international violations inadequate	3.97	0.78	3.92	0.98	3.94	0.88
P11	Loopholes lead to weak enforcement	3.23	1.18	3.12	1.26	3.18	1.22
P12	Suitable remedies enforced	1.92	0.87	1.63	0.78	1.78	0.83

Table 6.5 indicates the descriptive statistics of policy Factors and Creative and Managerial Film Professionals. Both the groups have given highest priority to P8-The time taken by Indian courts should be reduced. P9-Better and stricter enforcement of copyright laws was rated next in priority by both creative as well as managerial professionals. The next prioritized item by both the groups is P5-Awareness campaigns for sensitizing towards copyright. P12-Suitable remedies enforced- has been rated low by both the groups.

Further factor analysis was performed to classify these into small number of factors. The results of factor analysis helped to reduce these 12 items into five factors, viz. Statutory

Inhibitors of Violation; Preventive Aspects; Effective Penalization; Better Enforcement; and Expertise Bandwidth. They have been highlighted through Table 6.6.

The results of features of Policy factor highlights that Factor 1 has three items, viz. Copyright societies as facilitators of licensing; Statutory listing of available works; and More branch offices/ facilitation centres for copyright registration. The highest loading amongst these has been accorded to Copyright societies as facilitators of licensing, thus indicating that copyright societies can facilitate licensing and thus lead to reduction in copyright violations.

Factor 2 had three items, viz. ‘Copyright societies as watchdogs’; ‘Awareness campaigns for sensitizing towards copyright’; and ‘Suitable remedies enforced’. ‘Copyright societies as watchdogs’ has significant loadings implying that the role of copyright societies in prevention of copyright infringement is seen as very important. Also significant is the indication that more awareness campaigns need to be conducted by statutory copyright agencies for better sensitization towards copyright issues.

‘Better and stricter enforcement of copyright laws’ loaded highly on factor 3, thus indicating that stringent enforcement is a key to an effective policy framework and a definitive means for preventing copyright infringement. Also, the time taken by Indian courts of law to adjudicate and decide upon copyright cases should be reduced.

Table 6.6: Factor Analysis of Features of Policy Factors

	Variable	Policy Factors				
		Statutory Inhibitors of Violation PF1	Preventive Aspect PF2	Effective Penalization PF3	Better Enforcement PF4	Expertise Bandwidth PF5
P 1	Copyright societies as facilitators of licensing.	.740				
P2	Statutory listing of available works	.663				
P3	More branch offices/ facilitation centres for copyright registration	.652				
Eigen value		1.691				
% of Var.		15.371				
P6	Copyright societies as watchdogs		.738			
P5	Awareness campaigns for sensitizing towards copyright		.711			
P12	Suitable remedies enforced		.559			
Eigen value			1.449			
% of Variation			13.175			
P9	Better and stricter enforcement of			.836		

	copyright laws					
P8	The time taken by Indian courts should be reduced			.749		
Eigen value				1.317		
% of Variation				11.976		
P10	Legal mechanism for international violations inadequate				.828	
P11	Loopholes lead to weak enforcement.				.687	
Eigen value					1.179	
% of Variation					10.715	
P4	More trained IP lawyers					.887
Eigen value						1.171
% of Variation						10.643
Total variation						61.880

‘Legal mechanism for international violations inadequate’ has higher priority in factor 4. This can be perceived to be significant in the light of the fact that copyright violations happening in Indian film industry are often of an international nature, since Indian filmmakers often copy from Hollywood and other international film-industries.

‘More trained IP lawyers’ got a good loading in factor 5. This indicates to a paucity of a sufficient number of lawyers who deal in intellectual property matters and issues. Thus, availability of more number of trained IP lawyers who can competently deal with copyright litigation may act as a deterrent to copyright violation. ‘Suitable remedies enforced’ had the lowest loading in policy factors.

The factors obtained from factor analysis are pointers to the culture prevalent in India. The results indicate a focus on IP training, better and stricter enforcement of copyright laws and adequate legal mechanism for tackling international violations. The role of copyright societies is not that strong as in UK and other developed countries, but they also got a high loading of above 7. This is another indication of India trying to keep pace with the west. The switch to adopt the new latest laws according to TRIPS is an indication of a change in perception in India to adopt a stricter IPR regime.

Thus the hypothesis that H_1 : *Individual factors contribute more significantly than policy factors towards a favorable copyright environment can't be accepted* if we analyze on the basis of exploratory factor analysis. In the later sections this aspect has been covered deeply through structural equation modeling.

6.3 Attitude towards Copyright Environment

Attitude towards Copyright Environment has been covered by taking the following aspects:

- i. Copyright as a Cultural Right
- ii. Copyright as a Civic and Legal Right
- iii. Copyright as an Economic Right

The next objective of the study was:

Objective 2: To study the differences in attitude of mainstream and regional film-making professionals towards copyright.

There was a need to understand how mainstream and regional film-making professionals perceive copyright culture and conceive it as a legal and civic right; and as an economic right. This has been covered through ANOVA analysis. The related hypothesis has been: *H₂: There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright.*

Copyright attitude has been covered by covering three aspects:

- i. Copyright culture
- ii. Copyright as a civic and legal right
- iii. Copyright as an economic right

The sub-hypotheses are:

H_{2a}: There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright culture.

H_{2b}: There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright as a civic and legal right.

H_{2c}: There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright as an economic right.

Table 6.7: ANOVA for Attitude of mainstream and regional film-making professionals towards Copyright Culture

Variable No	Variable Name		Sum of Squares	Df	Mean Square	F	Sig.
C1	Copyright serves as incentive for creativity and is thus instrumental in increasing cultural output.	Between Groups	2.867	1	2.867	7.491	.007**
		Within Groups	44.780	117	.383		
		Total	47.647	118			
C2	Culturally strong creative industries tend to create more copyrighted works.	Between Groups	.190	1	.190	.266	.607
		Within Groups	83.743	117	.716		
		Total	83.933	118			
C3	A creative industry which has a large number of cases of copyright violations may be seen as culturally bankrupt	Between Groups	7.170	1	7.170	3.078	.082
		Within Groups	272.577	117	2.330		
		Total	279.748	118			
C4	Public domain works form a very significant component of the repository that culture holds, especially since they may be used for the creation of numerous derivative works.	Between Groups	1.776	1	1.776	3.862	.050*
		Within Groups	53.804	117	.460		
		Total	55.580	118			
C5	Market forces demand and command the creation of copyrighted products that may not be culturally superior.	Between Groups	17.063	1	17.063	10.210	.002**
		Within Groups	195.526	117	1.671		
		Total	212.588	118			
C6	A film is primarily and essentially a cultural artifact, in which economic rights exist legally in the form of copyright	Between Groups	11.479	1	11.479	6.876	.010**
		Within Groups	195.311	117	1.669		
		Total	206.790	118			
C7	Copyrighted works created by culturally strong creative industries (such as Hollywood) are generally perceived as high-value and high-quality works.	Between Groups	2.632	1	2.632	7.250	.008**
		Within Groups	42.477	117	.363		
		Total	45.109	118			
C8	Rampant piracy in any major creative industry indicates the criminalization of culture in that economy	Between Groups	2.800	1	2.800	3.916	.050*
		Within Groups	83.637	117	.715		
		Total	86.437	118			

*p< .05; **p< .01

ANOVA results for Attitude of mainstream and regional film-making professionals towards copyright Culture highlight that F-values are not significant for two factors, viz. C2-Culturally strong creative industries tend to create more copyrighted works and C3-A creative industry which has a large number of cases of copyright violations may be seen as culturally bankrupt. This highlights that ANOVA results indicate that there is a significant difference in the attitude of mainstream and regional film-making towards copyright Culture. As F-values are significant for six out of eight cultural variables, hence

the hypothesis H_{2a}: There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright culture has been partially accepted.

Table 6.8: ANOVA for Attitude of mainstream and regional film-making professionals towards copyright as a Civic and Legal right

Variable No	Variable Name		Sum of Squares	Df	Mean Square	F	Sig.
CL1	Copyright is a most important legal right and must be stringently enforced.	Between Groups	2.053	1	2.053	2.190	.142
		Within Groups	109.678	117	.937		
		Total	111.731	118			
CL2	Copyright should be regarded as a moral right of the author since the creator of a copyrighted work has some moral responsibility with respect to that work.	Between Groups	5.681	1	5.681	3.606	.060
		Within Groups	184.319	117	1.575		
		Total	190.000	118			
CL3	The copyright environment in a country can generally be seen as reflective of the overall legal environment of that country. (with respect to abiding by or violating laws)	Between Groups	.100	1	.100	.125	.724
		Within Groups	93.295	117	.797		
		Total	93.395	118			
CL4	Whenever a copyrighted work is used, it must be attributed to its original author even if the work and its rights have been completely sold.	Between Groups	.365	1	.365	.393	.532
		Within Groups	108.459	117	.927		
		Total	108.824	118			
CL5	If a new film heavily borrows the plot and idea from an earlier film but the expression is changed, it should still be seen as violation of copyright.	Between Groups	.008	1	.008	.020	.889
		Within Groups	48.983	117	.419		
		Total	48.992	118			
CL6	'Cultural copy' of a film (e.g. changing the setting of a Hollywood film to an Indian setting), while keeping the basic elements of story and plot same should.	Between Groups	6.253	1	6.253	2.775	.098
		Within Groups	263.596	117	2.253		
		Total	269.849	118			
CL7	A film professional who violated copyright earlier and was legally penalized for the offence will tend to abide by copyright laws in the future	Between Groups	.003	1	.003	.004	.951
		Within Groups	94.434	117	.807		
		Total	94.437	118			
CL8	Though selling of pirated copies of films is infringement, in developing countries it has got social sanction since it makes films available to a larger population at an economical price.	Between Groups	5.046	1	5.046	9.125	.003**
		Within Groups	64.702	117	.553		
		Total	69.748	118			

*p< .05; **p< .01

ANOVA result (Table 6.8) is significant only for CL8: ‘Though selling of pirated copies of films is infringement, in developing countries it has got social sanction since it makes films available to a larger population at an economical price’. Low F-values for other variables indicate insignificant p values pointing towards no difference in the perception of mainstream and regional film-making professionals towards copyright as a civic and legal right. Thus, the related hypothesis, H_{2b} : *There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright as a civic and legal right* has not been accepted.

Table 6.9: ANOVA for Attitude of mainstream and regional film-making professionals towards Copyright as an Economic right

Variable No	Variable Name		Sum of Squares	Df	Mean Square	F	Sig.
E1	Copyrights can as act as strategic assets of a company that lead to earning multiple revenue streams.	Between Groups	.460	1	.460	.868	.354
		Within Groups	61.977	117	.530		
		Total	62.437	118			
E2	A foremost function of copyright is that it provides a framework within which economic benefits may accrue to the creator.	Between Groups	2.764	1	2.764	5.473	.021*
		Within Groups	59.085	117	.505		
		Total	61.849	118			
E3	Copyright in a work is a bundle of rights each constituent of which can be used for economic exploitation of the work.	Between Groups	1.025	1	1.025	1.718	.192
		Within Groups	69.765	117	.596		
		Total	70.790	118			
E4	Copyright violations of any type cause economic losses to the owner of copyright	Between Groups	.018	1	.018	.010	.921
		Within Groups	213.562	117	1.825		
		Total	213.580	118			
E5	Economic considerations play a major role in the way creative industries use copyright	Between Groups	.796	1	.796	.890	.347
		Within Groups	104.599	117	.894		
		Total	105.395	118			
E6	The burgeoning digital culture has in many ways changed the economics of the creative industries that significantly use copyright.	Between Groups	3.053	1	3.053	2.082	.152
		Within Groups	171.536	117	1.466		
		Total	174.588	118			
E7	The reasons for violating copyright are most primarily economic in nature (i.e. for financial gains).	Between Groups	.076	1	.076	.168	.682
		Within Groups	52.916	117	.452		
		Total	52.992	118			
E8	Piracy is a huge threat to the economic well-being of creative industries	Between Groups	.072	1	.072	.174	.677
		Within Groups	48.247	117	.412		
		Total	48.319	118			

*p<.05

ANOVA results as highlighted through table 6.9 highlight a significant difference in only one variable, between mainstream and regional film making professionals viz.E2-‘A foremost function of copyright is that it provides a framework within which economic benefits may accrue to the creator’. For remaining seven items there is no significant difference between mainstream and regional film making professionals. Hence the hypothesis H_{2c} : *There is a significant difference in attitude of mainstream and regional film-making professionals towards copyright as an economic right* has not been accepted.

Thus the next Objective 2: To study the differences in attitude of mainstream and regional film professionals towards copyright has been achieved. But except for copyright culture the F-values are quite low and p-values aren’t significant for most of the variables of copyright as civic and legal right and as an economic right. There is a consensus in thinking of these two categories of professional towards copyright culture and copyright as a civic and legal right and as an economic right. A non-significant F-test implies that the full null hypothesis of the equality of all population means is plausible. Thus, the alternate proposed hypothesis H_2 : *there is a significant difference in attitude of mainstream and regional film-making professionals towards copyright* has not been accepted.

Objective 3: To study the differences in attitude of film-making professionals in creative and managerial roles towards copyright.

Here also for understanding attitude of film-making professionals in creative and managerial roles all three aspects, viz. copyright culture; copyright as a legal and civic right and copyright as an economic right have been covered.

After analysing the differences in copyright culture and attitude on the basis of mainstream and regional film making professionals, there was also a need to understand how managers and creative film professionals perceive copyright culture and conceive it as a legal and civic right; and as an economic right.

Analysis has been done for copyright as a cultural right, then for understanding the attitude towards copyright as a civic and legal right, and then as an economic right.

The related hypothesis is:

H₃: There is a significant difference in attitude of *film-making professionals in creative and managerial roles towards copyright*.

This has been sub-categorized as:

H_{3a}: There is a significant difference in attitude of film-making professionals in creative and managerial roles towards copyright culture.

H_{3b}: There is a significant difference in attitude of film-making professionals in creative and managerial roles towards copyright as a civic and legal right.

H_{3c}: There is a significant difference in attitude of film-making professionals in creative and managerial roles towards copyright as an economic right.

Table 6.10 ANOVA for Attitude of Creative and Managerial professional towards Copyright Culture

Variable No	Variable Name		Sum of Squares	Df	Mean Square	F	Sig.
C1	Copyright serves as incentive for creativity and is thus instrumental in increasing cultural output.	Between Groups	1.008	1	1.008	2.536	.114
		Within Groups	46.917	118	.398		
		Total	47.925	119			
C2	Culturally strong creative industries tend to create more copyrighted works.	Between Groups	.008	1	.008	.012	.914
		Within Groups	83.983	118	.712		
		Total	83.992	119			
C3	A creative industry which has a large number of cases of copyright violations may be seen as culturally bankrupt	Between Groups	.300	1	.300	.126	.723
		Within Groups	280.067	118	2.373		
		Total	280.367	119			
C4	Public domain works form a very significant component of the repository that culture holds, especially since they may be used for the creation of numerous derivative works.	Between Groups	.008	1	.008	.018	.895
		Within Groups	55.783	118	.473		
		Total	55.792	119			
C5	Market forces demand and command the creation of copyrighted products that may not be culturally superior.	Between Groups	.033	1	.033	.018	.892
		Within Groups	213.433	118	1.809		
		Total	213.467	119			
C6	A film is primarily and essentially a cultural artifact, in which economic rights exist legally in the form of copyright	Between Groups	.208	1	.208	.117	.733
		Within Groups	210.717	118	1.786		
		Total	210.925	119			
C7	Copyrighted works created by culturally strong creative	Between Groups	.133	1	.133	.349	.556
		Within Groups	45.067	118	.382		

	industries (such as Hollywood) are generally perceived as high-value and high-quality works.	Total	45.200	119			
C8	Rampant piracy in any major creative industry indicates the criminalization of culture in that economy	Between Groups	.075	1	.075	.102	.750
		Within Groups	86.917	118	.737		
		Total	86.992	119			

ANOVA (Table 6.10) for Attitude of managers and creative film professionals towards Copyright culture highlight that F-values are not significant for any variable. Hence there is not a significant difference in the attitude of managers and creative film professionals towards Copyright as a Civic and legal right. These results are different from the earlier results of perception of mainstream and regional film makers. Thus the related hypothesis H_{3a} : *There is a significant difference in attitude of film-making professionals in creative and managerial roles towards copyright culture* cannot be accepted.

Table 6.11: ANOVA for attitude of film professionals in managerial and creative roles towards Copyright as a Civic and Legal right

Variable No	Variable Name		Sum of Squares	Df	Mean Square	F	Sig.
CL1	Copyright is a most important legal right and must be stringently enforced.	Between Groups	.675	1	.675	.705	.403
		Within Groups	112.917	118	.957		
		Total	113.592	119			
CL2	Copyright should be regarded as a moral right of the author since the creator of a copyrighted work has some moral responsibility with respect to that work.	Between Groups	.408	1	.408	.253	.616
		Within Groups	190.583	118	1.615		
		Total	190.992	119			
CL3	The copyright environment in a country can generally be seen as reflective of the overall legal environment of that country. (with respect to abiding by or violating laws)	Between Groups	.033	1	.033	.042	.838
		Within Groups	93.667	118	.794		
		Total	93.700	119			
CL4	Whenever a copyrighted work is used, it must be attributed to its original author even if the work and its rights have been completely sold.	Between Groups	.408	1	.408	.444	.507
		Within Groups	108.583	118	.920		
		Total	108.992	119			

CL5	If a new film heavily borrows the plot and idea from an earlier film but the expression is changed, it should still be seen as violation of copyright.	Between Groups	.675	1	.675	1.648	.202
		Within Groups	48.317	118	.409		
		Total	48.992	119			
CL6	'Cultural copy' of a film (e.g. changing the setting of a Hollywood film to an Indian setting), while keeping the basic elements of story and plot same should.	Between Groups	.208	1	.208	.090	.764
		Within Groups	272.583	118	2.310		
		Total	272.792	119			
CL7	A film professional who violated copyright earlier and was legally penalized for the offence will tend to abide by copyright laws in the future	Between Groups	1.408	1	1.408	1.783	.184
		Within Groups	93.183	118	.790		
		Total	94.592	119			
CL8	Though selling of pirated copies of films is infringement, in developing countries it has got social sanction since it makes films available to a larger population at an economical price.	Between Groups	.208	1	.208	.352	.554
		Within Groups	69.783	118	.591		
		Total	69.992	119			

ANOVA as shown in Table 6.11 for attitude of film making professionals in creative and managerial role towards Copyright as a Civic and legal right highlights that F-values are not significant for any variable. Hence there is not a significant difference in the attitude of film making professionals in creative and managerial role towards Copyright as a Civic and legal right.

Table 6.12: ANOVA for attitude of film professionals in managerial and creative roles towards Copyright as an Economic right

Variable No	Variable Name		Sum of Squares	Df	Mean Square	F	Sig.
E1	Copyrights can as act as strategic assets of a company that lead to earning multiple revenue streams.	Between Groups	.033	1	.033	.063	.803
		Within Groups	62.767	118	.532		
		Total	62.800	119			
E2	A foremost function of copyright is that it provides a framework within which economic benefits may accrue to the creator.	Between Groups	.208	1	.208	.394	.531
		Within Groups	62.383	118	.529		
		Total	62.592	119			
E3	Copyright in a work is a bundle of rights each constituent of which can be used for economic exploitation of the work.	Between Groups	.033	1	.033	.055	.815
		Within Groups	71.667	118	.607		
		Total	71.700	119			
E4	Copyright violations of any type cause economic losses to	Between Groups	1.408	1	1.408	.775	.381
		Within Groups	214.517	118	1.818		

	the owner of copyright	Total	215.925	119			
E5	Economic considerations play a major role in the way creative industries use copyright	Between Groups	.008	1	.008	.009	.924
		Within Groups	106.983	118	.907		
		Total	106.992	119			
E6	The burgeoning digital culture has in many ways changed the economics of the creative industries that significantly use copyright.	Between Groups	.033	1	.033	.022	.881
		Within Groups	175.433	118	1.487		
		Total	175.467	119			
E7	The reasons for violating copyright are most primarily economic in nature (i.e. for financial gains).	Between Groups	.408	1	.408	.916	.340
		Within Groups	52.583	118	.446		
		Total	52.992	119			
E8	Piracy is a huge threat to the economic well-being of creative industries	Between Groups	.075	1	.075	.183	.669
		Within Groups	48.250	118	.409		
		Total	48.325	119			

ANOVA results as shown through Table 6.12 highlight that for attitude of film professionals in managerial and creative roles towards Copyright as an Economic right, the F-values are not significant for any variable. Hence H_{3b} : *There is a significant difference in the attitude of film making professionals in creative and managerial roles towards Copyright as an economic right* has not been accepted.

Thus the next O3: To study the differences in attitude of film-making professionals in creative and managerial roles towards copyright has been achieved. The related hypothesis, H_3 : *there is a significant difference in the attitude of film-making professionals in creative and managerial role towards copyright has not been accepted.* A non significant F-test implies that the full null hypothesis of the equality of all population means is plausible. *Thus, the hypothesis that there is a significant difference in attitude of film-making professionals in creative and managerial roles towards copyright has not been accepted.* This shows that the attitude of both these groups is similar. Hence there is a consensus in thinking of these two categories of professional towards copyright culture and copyright as a civic and legal right and as an economic right.

6.4 To propose a framework for improving copyright environment in Indian film industry

Further the researchers tried to analyze the relation of Individual and Policy Factors with Copyright Attitude. The results have been derived on the basis of participatory stakeholder analysis, covering managerial and creative film making professionals. This is needed to achieve the final objective of proposing a strategic framework for improving copyright environment in Indian film industry.

Objective 4: To propose a framework for improving copyright environment in Indian film industry

This has been achieved through:

6.4.1 Structural model depicting relation of Individual and Policy Factors with Copyright Attitude.

6.4.2 Designing a Strategic framework for improving copyright environment in Indian film industry.

Structural model depicting relation of Individual and Policy Factors with Copyright Attitude has been based on Survey results. Designing a Strategic framework for improving copyright environment in Indian film industry has been based on collative results of anthropological perspective, case study and survey-based analysis.

6.4.1 Structural Model Depicting Relation of Individual and Policy Factors with Copyright Attitude

The measurement variables are: IF1: Knowledge Experience; IF2: Experiential Involvement; IF3: Violating Tendency; IF4: Acceptable Usage; IF5: Violation Hedonism; PFI: Statutory Inhibitors of Violation; PF2: Preventive Aspects; PF3: Effective Penalization; PF4: Better Enforcement; PF5: Expertise Bandwidth; CA: Copyright attitude as a Legal and civic right and EE: Copyright attitude as an Economic right. Individual factor and Policy factor are the latent variables.

The reliability and validity of the model is assessed through composite reliability. Composite reliability is a measure of scale reliability. Composite reliability assesses the internal consistency of a measure (Fornell & Larcker, 1981). The value of AVE varies

from 0 to 1, and an AVE of 0.5 or more indicates satisfactory convergent validity, which means that construct accounts for 50 percent or more of the variance in the observed variables. Thus Composite reliability and Average variance for all factors and construct were calculated.

Composite reliability is computed by squaring the sum of loadings and then dividing it by the sum of squared loadings plus the sum of error terms (Werts, Linn & Joreskog, 1974). A composite reliability of 0.70 is sufficient for research; the same interpretation as used for Cronbach's alpha (Nunnally, 1978). For most of factors the composite reliability is greater than .0.70. The average variance extracted (AVE) is greater than 0.50 in all the cases and so these factors have been retained for further analysis (Fornell and Larcker, 1981).

Table 6.13: Composite Reliability and AVE of Individual Factors

Factor Name	Item Name	Item Loading	Indicator Error	Critical Ratio	CR	AVE
IF1: Knowledge Experience	I11: Knowledge of Registration Procedure	0.767	0.233	3.292	0.642	0.64
	I2: Knowledge of Infringing Uses	0.706	0.294	2.401		
	I8: Experience of usage of someone else's work without acknowledging the source.	0.671	0.329	2.040		
IF2: Experiential Involvement	I10: Peer Influence	0.699	0.301	2.322	0.596	0.590
	I9: Experience of victimization	0.686	0.314	2.185		
	I5: Knowledge of process of taking license.	0.665	0.335	1.985		
IF3: Violating Tendency	I6: Awareness of successful penalizing litigation discourages violation.	0.789	0.211	3.739	0.719	0.720
	I7 Violation once increases tendency of future violations.	0.749	0.251	2.984		
IF4: Acceptable Usage	I4: Knowledge of 'Fair use' and 'public domain' are areas of free usage of copyright	0.849	0.151	5.623	0.642	0.630
	I11: Violation of copyright causes guilt which discourages future violation	0.556	0.444	1.252		
IF5: Violation Hedonism	I12: Success of infringing work encourages maker to create more infringing works	0.893	0.107	8.346	0.955	0.881

Composite reliability is a measure of scale reliability. Composite reliability assesses the internal consistency of a measure (Fornell & Larcker,1981). It is the (sum of standardized loading) ² / [(sum of standardized loading) ² + sum of indicator measurement error] (the sum of the variance due to random measurement. The results as depicted through Table 6.13 depict that Composite reliability for the individual factors are in the range of 0.596 to 0.955. As highlighted the values are above the threshold level.

The value of Average variance extracted (AVE) varies from 0 to 1, and an AVE of 0.5 or more indicate satisfactory convergent validity, which means that latent construct accounts for 50 percent or more of the variance in the observed or manifest variables. In the present study the values of AVE for five individual factors range between 0.590 and 0.881. All values are greater than 0.50, hence all these factors have been retained for further analysis.

Table 6.14: Composite Reliability and AVE of Policy Factors

Item No	Item Name	Item Loading	Indicator Error	Critical Ratio	Composite Reliability	AVE
PFI: Statutory Inhibitors of Violation	Pi: Copyright societies as facilitators of licensing.	0.74	0.26	2.846	0.820	0.600
	P2: Statutory listing of available works	0.663	0.337	1.967		
	P3: More branch offices/ facilitation centres for copyright registration	0.652	0.348	1.874		
PF2: Preventive Aspects	P6: Copyright societies as watchdogs	0.738	0.262	2.817	0.801	0.570
	P5: Awareness campaigns for sensitizing towards copyright	0.711	0.289	2.460		
	P12: Suitable remedies enforced	0.559	0.441	1.268		
PF3: Effective Penalization	P9: Better and stricter enforcement of copyright laws	0.836	0.164	5.098	0.850	0.750
	P8: The time taken by Indian courts should be reduced	0.749	0.251	2.984		
PF4: Better Enforcement	P10: Legal mechanism for international violations inadequate	0.828	0.172	4.814	0.820	0.700
	P11: Loopholes lead to weak enforcement.	0.687	0.313	2.195		
PF5: Expertise Bandwidth	P4: More IP Lawyers	0.887	0.113	7.850	0.874	0.881

The results as depicted through Table 6.14 that Composite reliability for the policy factors are higher than that of individual factors. All five factors have composite reliability greater than 0.80. As highlighted the values are above the threshold level. The lowest value (0.570) is for PF2: Preventive Aspects. The value of AVE for five individual factors is also greater than 0.50. Thus all these factors have been retained for further analysis.

Table 6.15: Composite Reliability and AVE of Copyright Culture

Item No	Item Name	Item Loading	Indicator Error	Critical Ratio	Composite Reliability	AVE
C8	Rampant piracy in any major creative industry indicates the criminalization of culture in that economy.	0.930	0.070	13.286	0.916	0.702
C5	Market forces demand and command the creation of copyrighted products that may not be culturally superior.	0.915	0.085	10.765		
C3	A creative industry which has a large number of cases of copyright violations may be seen as culturally bankrupt	0.900	0.100	9.000		
C4	Public domain works form a very significant component of the repository that culture holds, especially since they may be used for the creation of numerous derivative works	0.726	0.274	2.650		
C2	Culturally strong creative industries tend to create more copyrighted works.	0.368	0.632	0.582		

It was desirable to test the reliability of the construct of copyright culture. The results of composite reliability of copyright culture have been depicted through Table 6.15. This construct had eight items. Three items, viz. C1: Copyright serves as incentive for creativity and is thus instrumental in increasing cultural output; C6: A film is primarily and essentially a cultural artifact, in which economic rights exist legally in the form of copyright and C7: Copyrighted works created by culturally strong creative industries (such as Hollywood) are generally perceived as high-value and high-quality works were deleted as they loaded low on factor analysis. Although value of C2: Culturally strong creative industries tend to create more copyrighted works is low, but this has been retained on researchers call as it is important. Moreover, Tabachnick and Fidell (2001) cite 0.32 as a good rule of thumb for the minimum loading of an item, which equates to approximately 10% overlapping variance with the other items in that factor.

Then the researchers tried to gauge composite reliability of this construct having five items now. The composite reliability is quite high and is 0.916. The average variance extracted is also 0.702, above threshold level of 0.50. Thus this construct now had five items.

Table 6.16: Composite Reliability and AVE of Copyright as a Legal and Civic Right

Item No	Item Name	Item Loading	Indicator Error	Critical Ratio	Composite Reliability	AVE
CL6	'Cultural copy' of a film (e.g. changing the setting of a Hollywood film to an Indian setting), while keeping the basic elements of story and plot same should be seen as a violation of copyright	0.88	0.12	7.333	0.949	0.744
CL2	Copyright should be regarded as a moral right of the author since the creator of a copyrighted work has some moral responsibility with respect to that work.	0.86	0.14	6.143		
CL7	A film professional who violated copyright earlier and was legally penalized for the offence will tend to abide by copyright laws in the future.	0.838	0.162	5.173		
CL4	Whenever a copyrighted work is used, it must be attributed to its original author even if the work and its rights have been completely sold.	0.809	0.191	4.236		
CL3	The copyright environment in a country can generally be seen as reflective of the overall legal environment of that country. (with respect to abiding by or violating laws)	0.775	0.225	3.444		
CL1	Copyright is a most important legal right and must be stringently enforced.	0.754	0.246	3.065		
CL5	If a new film heavily borrows the plot and idea from an earlier film but the expression is changed, it should still be seen as violation of copyright.	0.582	0.418	1.392		

As shown in table Composite Reliability and AVE of Copyright as a legal and Civic Right has seven items. One item CL8 has been deleted and not included for further analysis as a result of factor analysis. The final construct has seven items now. For this construct the composite reliability is 0.949. The AVE value is also 0.744 and thus this construct with seven items has been taken for SEM model.

Table 6.17: Composite Reliability and AVE of Copyright as an Economic right

Item No	Item Name	Item Loading	Indicator Error	Critical Ratio	Composite Reliability	AVE
E5	Economic considerations play a major role in the way creative industries use copyright	0.882	0.118	7.475	0.894	0.689
E4	Copyright violations of any type cause economic losses to the owner of copyright	0.863	0.137	6.299		
E3	Copyright in a work is a bundle of rights each constituent of which can be used for economic exploitation of the work.	0.819	0.181	4.525		
E2	A foremost function of copyright is that it provides a framework within which economic benefits may accrue to the creator.	0.777	0.223	3.484		
E6	The burgeoning digital culture has in many ways changed the economics of the creative industries that significantly use copyright.	0.687	0.313	2.195		
E1	Copyrights can as act as strategic assets of a company that lead to earning multiple revenue streams.	0.600	0.400	1.500		
E8	Piracy is a huge threat to the economic well-being of creative industries	0.583	0.417	1.398		

Composite Reliability and AVE of Copyright as an Economic right has been shown through Table 6.17. The construct of Copyright as an Economic right had eight items, but Item E7: The reasons for violating copyright are most primarily economic in nature (i.e. for financial gains) has been deleted and not included as a result of factor analysis. The composite reliability is 0.894 and Average variance extracted is 0.689. Again on the basis of results the construct with seven items has been used for Structural Equation Modeling (SEM).

SEM has potential advantages over linear regression models that make SEM a priori the method of choice in analyzing path diagrams when these involve latent variables with multiple indicators.

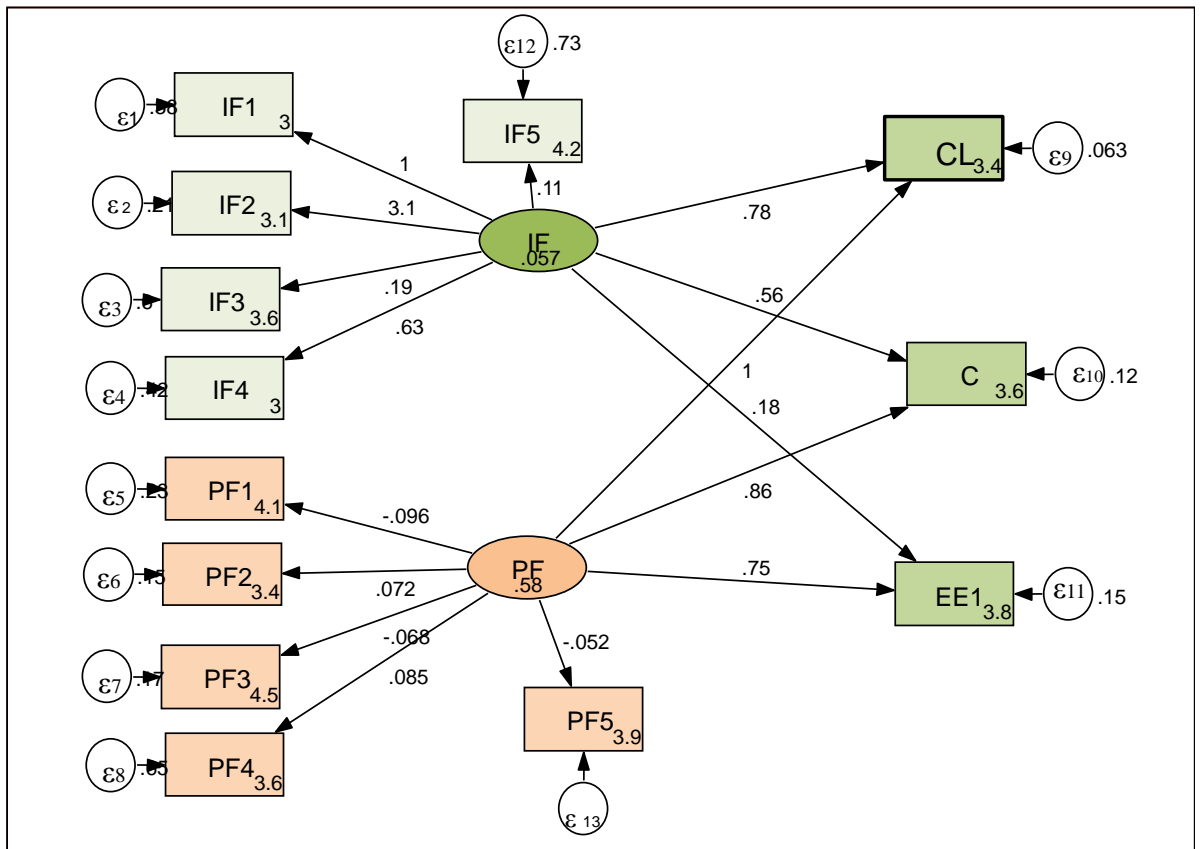


Figure 6.10: Structural Model Depicting relation of Individual and Policy factors with Copyright Attitude

Structural model has been depicted through figure 6.10. The data related to measurement model along with goodness of fit indices has been shown in Table 6.18.

Table 6.18: Structural Model

Measurement Model				
	Estimate	S.E.	Z	P> z
IF1: Knowledge & Experience	1 (constrained)			
IF2: Experiential Involvement	3.145	2.138	1.47	0.141
IF3: Violating Tendency	0.193	0.355	0.54	0.586
IF4: Acceptable Usage	0.634	0.330	1.92	0.050*
IF5: Violation Hedonism	0.106	0.383	0.280	0.781
PF1: Statutory Inhibitors of Violation	-0.096	.059	-1.62	0.105
PF2: Preventive Aspects	0.071	0.048	1.49	0.137
PF3: Effective Penalization	-0.069	0.524	-1.300	0.195
PF4: Better Enforcement	0.850	0.100	0.840	0.399

PF5: Expertise Bandwidth	-0.515	0.117	-0.440	0.662
<i>CL: Copyright Attitude as legal and Civic Right</i>				
POLICY	1 (constrained)			
INDIVIDUAL	0.775	0.423	1.830	.050*
<i>C: Copyright Culture</i>				
POLICY	0.859	0.059	14.36	0.000***
INDIVIDUAL	0.562	0.373	1.500	0.133
<i>EE: Copyright Attitude as an Economic Environment</i>				
Individual	0.175	0.311	0.560	0.573
Policy	0.747	0.060	12.42	0.000***
Goodness of Fit Indices				
	Actual Value	Recommended Value/range	Reference	
Chi-square(62)	69.023 [p: 0.252]	p \geq .05		
Chi-square/df	1.113	\leq 5.0		
RMSEA	0.031	\leq .05	Browne et al.(1993)	
CFI	0.975	\geq .90	Bentler (1990) ; Browne et al.(1993); Hu & Bentler (1999)	
TLI	0.969	\geq .90	Joreskog et al.(1993)	
SRMR	0.075	\leq .08	Browne et al.(1993)	
CD	0.985			

As highlighted through Table 6.18, the model is good fit. The fit indices of the research model are acceptable CFI=0.975; TLI=0.969; SRMR =0.075; RMSEA=0.031. These results have been compiled after applying suggested modification indices. The model fit statistics indicate that Chi-square is significant. The model is a good fit. A “good fit model” indicates that the model is plausible. The Chi-squared test indicates the difference between observed and expected covariance matrices. Values closer to zero indicate a better fit, in this model the value of Chi Square is 69.023 (df: 62). Although there is no consensus regarding an acceptable ratio for this statistic, recommendations range from as high as 5.0 (Wheaton et al, 1977) to as low as 2.0 (Tabachnick and Fidell, 2007). Good model fit would provide an insignificant result at a 0.05 threshold (Barrett, 2007), thus the Chi-Square statistic is often referred to as either a ‘badness of fit’ (Kline, 2005) or a ‘lack of fit’ (Mulaik et al, 1989) measure. Chi-square for this model is insignificant. The recommended range for Chi-square/df is <3 (Kline, 2005). The model has the value 1.113 and so is in recommended range and is good fit.

The root mean square error of approximation (RMSEA) avoids issues of sample size by analyzing the discrepancy between the hypothesized model, with optimally chosen parameter estimates, and the population covariance matrix. The RMSEA ranges from 0 to 1, with smaller values indicating better model fit. A value of .06 or less is indicative of acceptable model fit. In this model the value of RMSEA is 0.031. Thus the model fits on RMSEA statistics as well.

The comparative fit index (CFI) analyzes the model fit by examining the discrepancy between the data and the hypothesized model, while adjusting for the issues of sample size inherent in the chi-squared test of model fit and the normed fit index. CFI values range from 0 to 1, with larger values indicating better fit; a CFI value of .90 or larger is generally considered indicating acceptable model fit (Browne et al. 1993; Hu & Bentler, 1999). In the present study the CFI value is 0.975, and hence is greater than the recommended value. Thus, the model is good fit.

The non-normed fit index (NNFI, also known as the Tucker-Lewis index, as it was built on an index formed by Tucker and Lewis, in 1973 resolves some of the issues of negative bias, though NNFI values may sometimes fall beyond the 0 to 1 range. Tucker-Lewis index in the model is 0.969 and is acceptable.

The root mean square residual (RMR) and standardized root mean square residual (SRMR) are the square root of the discrepancy between the sample covariance matrix and the model covariance matrix. The RMR may be somewhat difficult to interpret, however, as its range is based on the scales of the indicators in the model. The standardized root mean square residual removes this difficulty in interpretation, and ranges from 0 to 1, with a value of .08 or less being indicative of an acceptable model. The value of SRMR is 0.075. Consequently the results suggest that the model is a good fit model as it satisfies the fit indices.

All items are positively related with individual factor IF2: Experiential Involvement and IF4: Acceptable Usage and are possessing higher coefficient values. The value of Experiential Involvement is highest and is relatively considered more important than other factors. The value of IF5: Violation Hedonism is lowest for the individual factor.

In case of Policy Factor, PF4: Better Enforcement has highest coefficient value and is relatively considered more important than other factors. PF2: Preventive Aspects is also positively related with policy factor. Other three factors are inversely related with policy factor.

Regarding relation of Individual and Policy factor with copyright culture, the coefficient value of policy is 0.859 and is significant ($p < .001$) and it is perceivably higher than that of Individual factor, viz. 0.562. This underlines the importance of policy factors for copyright culture.

Copyright attitude (CL) as a legal and civic right is influenced by both policy and individual factors. Policy factor is constrained. The value of individual factor is 0. 0.775 and is positive. Thus copyright attitude is positively related with individual factor and Policy factor.

Regarding relationship of Individual factor and Policy factor with Copyright as an Economic Right (EE), the value of coefficient of Policy factor is quite high (0.747) as compared to Individual factor (0.175). This highlights that Policy factor dominates in case of economic environment. One result that emerges from the analysis is that although both policy and individual factors are important and are positively related with copyright attitude and economic environment, but the impact of policy factor is higher than the individual factor. This is a little understandable as highlighted in earlier studies that in developing countries like India, there is still excessive reliance on policy initiatives undertaken by govt. This also highlights an immediate need to focus more on individual factors to improve copyright environment.

Finally the study used conducive copyright environment as dependent variable and tried to study the important predictors from Individual factors, Policy factors, Cultural, legal factors, mainstream and regional film-making professionals, film-making professionals in creative and managerial roles towards copyright.

6.4.2 Designing a Strategic framework for improving Copyright Environment in Indian film industry

The study proposed a framework for improving copyright environment in Indian film industry. This has been achieved by summing up the results and findings from survey-based analysis, by taking up anthropological analysis of the films and by an exhaustive case study analysis of the movie *Barfi!*, which raised many controversial issues regarding copyrights in Indian Cinema.

The participatory stakeholder analysis, based upon the data collected through the questionnaire by categorizing the film-making professionals on the basis of the film industry in which they work (mainstream vs. regional) as also their professional roles (managerial vs. creative), was used for investigating the individual and policy factors that affect the copyright environment in the Indian film industry. The survey-based analysis also explored the attitude of film-making professionals towards copyright, in both managerial and creative roles, in the regional as well as mainstream film industries.

The analysis of copyright violations in the Hindi film industry through the perspective of anthropology helped to explore certain anthropological factors that lead to copyright violations and thus impact copyright environment. An anthropological analysis of the films suggests that infringing films often manipulate the anthropological information inherent in films. In that sense, a characterization of cinema as visual anthropology leads to the conclusion that copyright violations are often anthropological adaptations. Also, infringing film-makers often copy from films which are anthropologically analogous and sociologically similar to the ones that are made in India. Alternatively, only certain parts of a film (or many films) are copied for a given film. These infringing parts often merge with the social scenario that the infringing film wants to represent.

The development and analysis of case studies regarding specific movies was helpful in identifying certain factors that lead to copyright violations and also helped, in some cases, to identify the attitude of film-making professionals towards copyright.

An in-depth case analysis for the film *Barfi!* reveals a lot about the phenomenon of infringement. Some of the salient findings are as follows:

- The widespread recognition and success of the film *Barfi!* despite it infringing upon so many films indicates the utter disrespect for copyright as a civic and moral right in Indian society.
- The wholesome appreciation that the film received from the industry denotes almost absolute peer approval for even a film that majorly infringes upon the copyrights of multiple parties, thus indicating the permissiveness and legitimization of copyright violations in that industry. This clearly indicates the (dismal) attitude of film professionals towards copyright as a civic and moral right.
- That the maker of the film *Barfi!* is a perpetual offender and has a history of making films that infringe upon other film-makers' copyrights indicates that individual factors are crucial when it comes to finding determinants of the copyright environment in Indian film industry.
- Also, since no legal notices were served to the makers of *Barfi!* for copyright infringement, despite the widespread infringement that it indulged in, indicates that policy factors and weak enforcement of copyright laws in the Indian film industry is also an important contributor to the copyright environment.
- That the makers of the film *Barfi!* decided to forego the option of purchasing rights for any of the parts that was illegally used (infringed) denotes the attitude towards copyright as an economic right.

The results from all the above have been aggregated to propose a framework for improving copyright environment in Indian film industry. The following is a structural representation of the strategic framework formulated from the study, incorporating all lessons learnt and outcomes achieved.

An integrated picture for enhancing copyright environment has been derived from the participatory stakeholder analysis and through the case-based analysis. The participatory stakeholder analysis, based upon the data collected through the questionnaire by categorizing the film-making professionals on the basis of the film industry in which they work (mainstream vs. regional) as also their professional roles (managerial vs. creative), underscores the importance of policy factors over individual factors, though both these factors are shown to be important. This may be true for

countries like India, where the government is providing facilitation centers for intellectual property rights such as copyrights. Further analysis was done through Structural Equation Modeling (SEM) to understand the influence of individual and policy factors on copyright environment, and the attitude of film-making professionals towards copyright as a cultural right, as an economic right, and as a legal and civic right.

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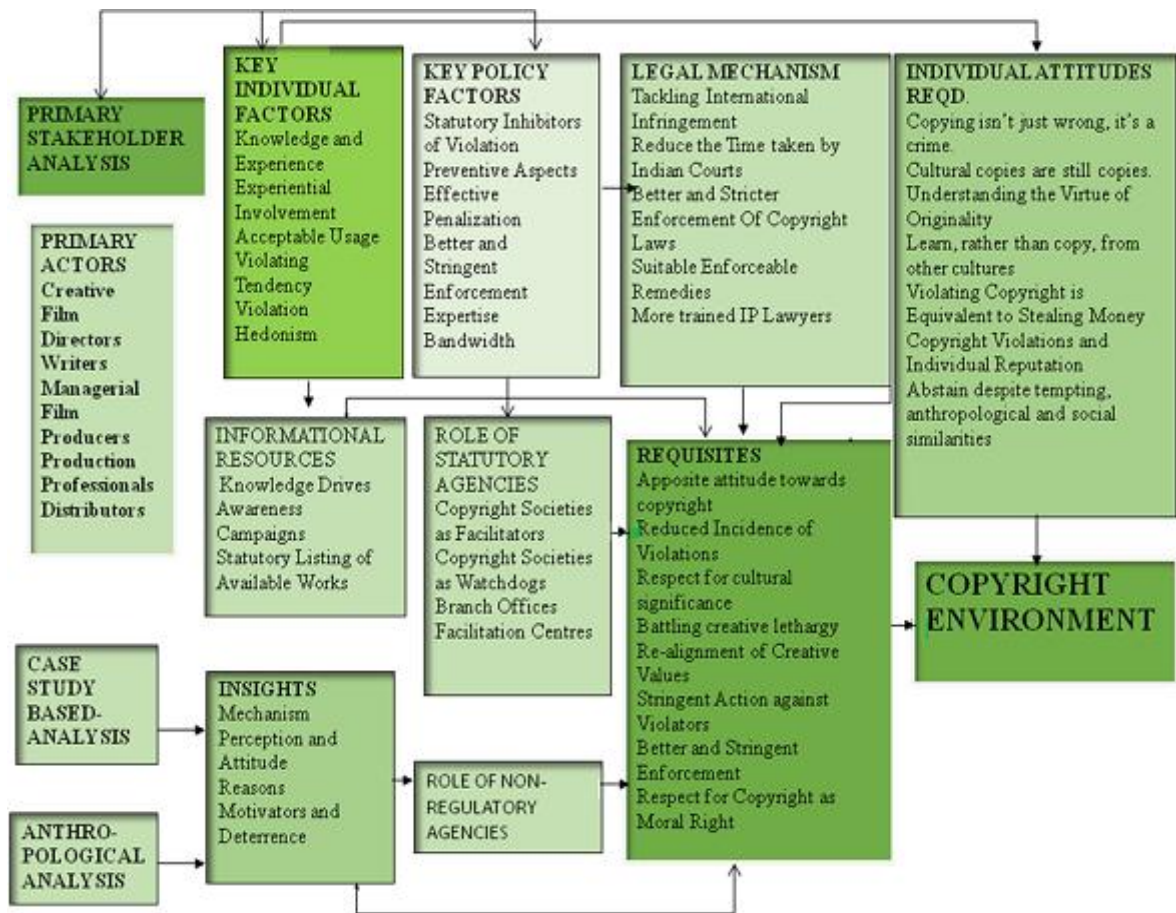


Figure 6.11: A Strategic framework for improving Copyright Environment in Indian film industry

The results as shown through Fig. 6.11 depict that both individual and policy factors influence the attitude of film-making professionals towards copyright. The empirical results from SEM further validate the earlier results as the policy factors are emerging as significant. This also underscores an alternative point of view: that we have to focus upon individual factors for further improving the copyright environment.

This integrated approach will help fortify the copyright environment and improve the attitude of film-making professionals towards copyright in both creative and managerial roles in mainstream as well as regional film industries.

The case study of the film *Barfi!* emphasizes the blatant and unabashed nature of copyright violations and the acceptability accorded to such brazen acts of infringement. In an increasingly globalizing and digitizing world, such violations are going to be chased and checked much more easily.

The strategic framework takes into account the significant individual and policy factors that determine the copyright environment. It visibly accentuates the role of government and various governmental mechanisms for managing copyrights, such as copyright offices, facilitation centers and branch offices. Copyright societies have a particularly important role to play because of their paramount regulatory role, as well as a supportive, participatory role in the ecosystem of the film industry. The findings of this research may also be extremely useful for film professionals working in various capacities in the film industry such as producers, directors, writers, production executives and distributors, as also for the government.

Information is a primary strategic resource in today's world. As such, it is seen as an important constituent of this strategic framework. Thus, information sources, such as those for knowledge, awareness and statutory listings of copyrighted works, need to be strengthened for better use of information for improving the copyright environment. The case-study analysis as well as the anthropological analysis has provided some valuable insights regarding the nature of copyright infringement. These insights subsume the role and significance of non-regulatory bodies such as media, educational institutions and film associations, and bring forth their importance for improving the copyright environment. The strategic framework thus stands as a broad and eclectic system which brings forth the role of various stakeholders, taking into account the important factors that affect the copyright environment. It covers the various aspects of the legal mechanism, the role of various statutory bodies such as copyright offices, facilitation centers, and copyright societies; as also the position of certain non-regulatory agencies such as media and educational institutions. Last but not least, it indicates the role of individual attitudes as a prerequisite for a favorable and rewarding copyright environment.

6.5 Concluding Remarks

The objectives of this research have been achieved in the present chapter, culminating finally in the creation of a strategic framework for improving copyright environment in the Indian film industry, which may be seen as the cumulative goal for all objectives. The next chapter discusses the major findings of the present study and revisits the objectives. It details the implications of the research, constraints and limitations, and the scope for further research.

CHAPTER-7

CONCLUSION

The present chapter deals with the summary of the present study. The study was conducted to explore copyrights in the Indian film industry. Specific objectives were to investigate the important factors that contribute to the copyright environment and to study the attitude of film-making professionals towards copyright. As a final outcome, it was endeavored to propose a framework for improving copyright environment in Indian film industry.

Section 7.1 elaborates the major findings of the study, which have been obtained by using mixed-methods research which included multiple methods of research, including survey-based analysis; case analysis, as well as the investigation of the phenomenon of copyright infringement through an anthropological lens. Section 7.2 revisits the objectives and delineates the accomplishment of the objectives of this research. Section 7.3 describes the constraints and limitations of this research study. Section 7.4 depicts the major research contributions made by this study while Section 7.5 sets down the further scope of research. Section 7.6 describes the implications of this research study.

7.1 Major Findings of the Study

The results of the study indicate the important individual and policy factors that contribute to the copyright environment. Knowledge & Experience, Violating Tendency and Violation Hedonism have emerged as important individual factors, while the policy factors that matter are Statutory Inhibitors of Violation, Preventive Aspects, Effective Penalization, Better Enforcement and Expertise Bandwidth.

Knowledge of copyright laws and issues is important since film professionals possessing this knowledge will be able to protect their copyrights more effectively. Also, knowledge of infringing uses will prohibit film professionals from violating copyrights of others. Being aware of copyright litigation where the

violator was penalized for copyright violation would strongly discourage violation. Also, it was found that violation of copyright once increases the tendency of future violations of copyright. Knowledge of 'Fair use' and 'public domain' was found to be important, since these are areas where film professionals can use other people's copyrights in a rightful manner without violating copyright. It emerged that the success of an infringing work encourages the film-maker to create more infringing works since film-makers who infringe copyrights and are able to achieve success by such plagiarism often get on the juggernaut and keep violating copyrights in their subsequent projects as well.

The results of Policy factor highlights that that copyright societies have an important role to play: they can facilitate licensing and thus lead to reduction in copyright violations, as well as act as watchdogs for prevention of copyright infringement. Also significant is the indication that more awareness campaigns need to be conducted by statutory copyright agencies for better sensitization towards copyright issues. Better and stringent enforcement is a key to an effective policy framework and a definitive means for preventing copyright infringement. Also, the time taken by Indian courts of law to adjudicate and decide upon copyright cases should be reduced. The study indicates a paucity of a sufficient number of lawyers who deal in intellectual property matters and issues. Thus, availability of more number of trained IP lawyers who can competently deal with copyright litigation may act as a deterrent to copyright violation.

The study endeavored to explore the differences in attitude of mainstream and regional film-making professionals towards copyright. ANOVA was applied to investigate these differences. It was found that there was no difference in the attitude of mainstream and regional film-making professionals towards copyright. Similarly, it was found that there is no difference in attitudes of film-professionals in creative and managerial roles towards copyright. These results indicate that there is generally a consensus as to the attitude of film-professionals towards copyright, suggesting that film-professionals in contrasting roles would often have a similar attitude towards copyright. Similarly, even film-professionals in disparate industries have similar attitudes towards copyright. This indicates, in

general, an overall homogeneity in the attitude of film-professionals towards copyright.

The analysis of copyright violations in the Indian films through the perspective of anthropology helped to explore certain anthropological factors that lead to copyright violations and thus impact copyright environment. This use of anthropology for analysis of copyright violations affords us a better understanding, and an alternative perspective, of the reasons and premises behind copyright violations.

A case-study of the film *Barfi!* signifies the permissiveness and legitimization of copyright violations in Hindi film industry, as well as the utter disrespect for copyright as a civic and moral right in Indian society. Weak enforcement of copyright laws in the Indian film industry emerges as a strong limitation from this case study. Also, the film-makers' tendency to violate copyright, surfaces as an important factor. Thus, both individual and policy factors are seen as crucial when it comes to finding determinants of the copyright environment in Indian film industry.

7.2 Revisiting the objectives

After due deliberation and reflection, the mixed-methods research paradigm was deemed to be ideal for meeting these objectives and was thus adopted by way of conducting research through multiple methods: an anthropological analysis of the incidence of copyright violations in the Hindi film industry, the development of case studies regarding specific movies and the in-depth analysis of various aspects of infringement caused by these movies, as well as a survey of film-making professionals through a questionnaire. The above methods were adopted to achieve the objectives of this study in a holistic approach for exploring and identifying the factors that determine the copyright environment in Indian film industry, as also for investigating the attitude of film-making professionals towards copyright.

The present study had four objectives:

O1: To analyze the factors (Individual and Policy factors) contributing to copyright environment.

The study used factor analysis to understand the factors, both Individual and Policy factors contributing to copyright environment. The study identified 12 features of individual factors and 12 features of Policy factors. These 12 features of individual factors were reduced to five factors and 12 features of Policy factors were also reduced to 5 policy factors. Results highlight that both individual and policy factors are important.

O2: To study the differences in attitude of mainstream and regional film-making professionals towards copyright.

The ANOVA results indicated that there was similarity in the attitude of mainstream and regional film-making professionals towards copyright as a legal and civic right and as an economic right, however for copyright as a cultural right, there was a difference in the perception of mainstream and regional film-making professionals.

O3: To study the differences in attitude of film-making professionals in creative and managerial roles towards copyright.

The results derived through ANOVA indicated that there is a consensus in thinking of these two categories of professional towards copyright culture and copyright as a civic and legal right and as an economic right.

O4: To propose a framework for improving copyright environment in Indian film industry.

The main objective of the study has been to propose a framework for improving copyright environment in Indian film industry. This was derived through factor analysis, ANOVA and SEM modeling results. Regarding the factors that determine the copyright environment, it was found that both Individual and Policy factors are important, though policy factors emerge as more important as determinants. Significant synergies have been found in the results obtained from the different components of this study, such as between the primary stakeholder analysis and the case study method. For example, one of the individual factors accentuates that violation once increases tendency of future violations. This is

strongly corroborated by the case study of the film *Barfi!* whose director is seen to be a serial offender who has violated copyright in many of his movies. The factors obtained from factor analysis indicate the need for better and stricter enforcement of copyright laws and adequate legal mechanism for tackling international violations. Additionally, adapting foreign films for Indian audiences is strongly seen as infringement. These results have been corroborated by many studies that deal with the international nature of copyright violations and the need for creating a strong mechanism for preventing international violations. For example, Banerjee (2010) analyzed infringement in the Indian film industry through the twin lenses of the Indian and English copyright laws, examining film and screenplay copyright infringement and the implications of ‘altered copying.’ Sunder (2011) analyzed the role of copyright in promoting free cultural exchange, especially given the international nature of the ‘ideas economy’ and its efficacy in providing strong and differential advantages. The role of copyright societies has been emphasized, both as facilitators of licensing and also as watchdogs for preventing and chasing infringement. The research also underlines the need for Indian courts to reduce the time taken for dispensing justice. Another bottleneck in the Indian judicial system is the paucity of trained Intellectual Property lawyers, and it needs to be addressed to create a more supportive ecosystem for IP litigation.

Attitude towards Copyright has been covered by taking the following aspects: Copyright as a Cultural Right, Copyright as a Civic and Legal Right, Copyright as an Economic Right. This structured, layered approach helped to understand the attitude towards copyright in a more nuanced and subtle manner. A broad outcome of this endeavor was the discovery that attitude towards copyright is largely similar for both mainstream and regional film-making professionals, as well as for film professionals working in creative and in managerial roles.

7.3 Constraints and Limitations

Like most research, a study can hardly be perfect. As such, this study has limitations. However, these limitations also present opportunities for future research. One of the primary limitations of the study is that the majority of the factors identified were either from literature developed in the West or the

experience of limited media reports about the copyright violations happening in India. There is hardly any academically eminent literature available in India. There is a need for extensive study supported by case studies in India. There is a need to develop a framework for understanding the implications of working of copyright and its enforcement at the ground level. The problem of assessing the number of copyright violations in the Indian film industry still persists because of the lack of lawsuits. Additionally, there is very limited reportage on the number of lawsuits happening every year.

7.4 Major Research Contributions

There was a need to present a comprehensive, integrated and holistic approach for evolving a strategic framework on copyright environment in the Indian film industry. Using the mixed-methods research paradigm was especially helpful in achieving that end. The current research combines questionnaire-based primary data with analytical perspectives on secondary data with case-study findings to uncover the individual and policy factors that affect the copyright environment. The study is unique in its endeavor to decipher the attitude of film-making professionals towards copyright and successfully discovers certain aspects of attitude through the questionnaire as well as through the case study approach. A beginning has been made towards understanding the anthropological premises inherent in the phenomenon of copyright infringement.

7.5 Implications of the Research

Since the malaise of copyright infringement is rampant in the Indian film industry, the current research has significant implications for various stakeholders. The government and various governmental mechanisms for managing copyrights such as copyright offices, facilitation centers and branch offices, as well as copyright societies, are very important stakeholders because of their paramount regulatory role, as well as a supportive, participatory role in the ecosystem of the film industry. There are strong implications for copyright societies, whose role as facilitators as well as watchdogs has been emphasized by this research. The findings of this research may also be extremely useful for film professionals working in various capacities in the film industry such as producers, directors,

writers, production executives and distributors, since they are the primary actors who directly deal with copyright and often violate it.

Informational resources, such as those for knowledge, awareness and statutory listings of copyrighted works, may be strengthened for better use of information for improving the copyright environment. The case-study analysis as well as the anthropological analysis has yielded some results that provide implications for non-regulatory bodies such as media, educational institutions and film associations, and accord these an important role in the amelioration of the copyright environment.

7.6 Further Scope of Research

The study has been limited to film industries of only four languages and it is possible to extend it to other regional film industries in India. Additionally, it may be possible as well as useful to investigate the treatment of copyright in other international film industries that are known to appropriate and misappropriate intellectual property from other film industries. Also, more case studies may be created and analyzed for further understanding of factors that are not easily revealed through questionnaire-based primary data, since the case study method affords us the luxury of being able to look narrowly but deeply into a limited number of factors or parameters. There is ample scope for developing many case studies regarding infringement and learning through those, since each case of copyright infringement is unique in itself. Also, the anthropological analysis of copyright violations is a wide-open field that can be used to further elucidate and understand the phenomenon of copyright infringement in terms of anthropological cues, behavioral patterns and social values. Besides, it might be possible to analogously analyze copyright violations with respect to other academic disciplines of humanities and social sciences, such as sociology, philosophy and psychology.

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ANNEXURE I (Questionnaire)

Dear Respondent

As part of my Ph.D. research at Thapar University, I am conducting a survey that investigates the current state of copyright in the Indian Film Industry. This study attempts to gauge the attitude of film-making professionals towards copyright and to identify the factors that contribute to a favorable copyright environment. The factors contributing to a favorable copyright environment have been categorized as Individual Factors and Policy Factors. To ascertain the attitude towards copyright, we consider the attitude of film-making professionals towards various dimensions of copyright. Results of the study will be useful for understanding and improving the copyright environment in the Indian Film Industry. I will appreciate if you could please complete the following questionnaire. Any information obtained in connection with this study that can be identified with you will remain confidential. In any written reports or publications, no one will be identified and only group data will be presented. However, if you do not wish to disclose your identity, you are free to not mention your personal details. You are free to withdraw your participation at any time. If you have any questions about the research, please call Mr. Apurva Bakshi at (919-888-211-770) or email at abakshi@thapar.edu.

Thank you very much for your cooperation.

Apurva Bakshi (Researcher)
Thapar University, Patiala

This questionnaire has two parts.
Part 1 contains all the statements.
Part 2 is to collect the relevant information about respondents.

For each of the statements below, please indicate the extent of your agreement or disagreement by placing a tick in the appropriate box.

The response scale is as follows:

- 1 = Strongly Disagree
- 2 = Disagree
- 3 = Undecided or Neutral
- 4 = Agree
- 5 = Strongly Agree

PART 1: STATEMENTS						
SECTION A: Factors contributing to a favorable copyright environment						
Individual Factors		1	2	3	4	5
1	I am completely aware of the method of registration of copyright.					
2	I am aware of the various types of uses of someone else's work that will be considered as infringement.					
3	Remaking or adapting a foreign film for Indian audiences without obtaining permission violates copyright of the original copyright holder.					
4	'Fair use' and 'public domain' are areas of free usage of copyright and using of works within these categories does not violate copyright.					
5	I am aware of the proper process of taking license or permission for using another's work.					
6	Being aware of copyright litigation where the violator was penalized for copyright violation discourages violation.					
7	Violation of copyright once increases the tendency of future violations of copyright.					
8	I have at least once used someone else's copyrighted work substantially for creating my own work without acknowledging the source.					
9	I have been a victim of copyright violation and my copyright has been violated by someone at least once.					
10	One of the reasons why film-makers violate copyright is because they often deal with other professionals who have a tendency of violating copyright.					
11	Violation of copyright is generally accompanied by a feeling of personal guilt or remorse that may somewhat discourage the violation of copyright in the future.					
12	The commercial success of a work that violates copyright may spur on the maker of that work to create more infringing works.					
Policy Factors		1	2	3	4	5
13	Existence of copyright societies makes it easier to obtain licenses and thus reduce copyright violations.					
14	A list of available copyrighted works along with the names of their authors/ owners would make the search for rights much easier for potential buyers, thus improving copyright environment.					
15	An increase in number of branch offices/ facilitation centres for copyright registration would lead to more registrations and less violations of copyright.					
16	Availability of more number of trained IP lawyers who can competently deal with copyright litigation may act as a deterrent to copyright violation.					
17	More awareness campaigns need to be conducted by statutory copyright agencies for better sensitization towards copyright issues.					

18	Copyright societies in India could play a more important role in proactively searching for copyright violations in the film industry and bringing them to book.					
19	Copyright laws in India cover all major contentious areas and issues that might arise in the field of film-making.					
20	The time taken by Indian courts of law to adjudicate and decide upon copyright cases should be reduced.					
21	Better and stricter enforcement of copyright laws in India could deter violations.					
22	The legal mechanism of copyright for dealing with international copyright violations is not strong enough and needs to be fortified further.					
23	There are some gray areas or loopholes in the copyright laws in India which lead to weak enforcement.					
24	Suitable remedies are generally enforced for various forms of copyright violation under Indian Copyright Law.					
SECTION B: Attitude towards Copyright						
As a legal and civic right		1	2	3	4	5
25	Copyright is a most important legal right and must be stringently enforced.					
26	Copyright should be regarded as a moral right of the author since the creator of a copyrighted work has some moral responsibility with respect to that work.					
27	The copyright environment in a country can generally be seen as reflective of the overall legal environment of that country. (with respect to abiding by or violating laws)					
28	Whenever a copyrighted work is used, it must be attributed to its original author even if the work and its rights have been completely sold.					
29	If a new film heavily borrows the plot and idea from an earlier film but the expression is changed, it should still be seen as violation of copyright.					
30	‘Cultural copy’ of a film (eg changing the setting of a Hollywood film to an Indian setting), while keeping the basic elements of story and plot same should be seen as a violation of copyright.					
31	A film professional who violated copyright earlier and was legally penalized for the offence will tend to abide by copyright laws in the future.					
32	Though selling of pirated copies of films is infringement, in developing countries it has got social sanction since it makes films available to a larger population at an economical price.					
As an Economic Right		1	2	3	4	5
33	Copyrights can as act as strategic assets of a company that lead to earning multiple revenue streams.					
34	A foremost function of copyright is that it provides a framework within which economic benefits may accrue to the creator.					

35	Copyright in a work is a bundle of rights each constituent of which can be used for economic exploitation of the work.					
36	Copyright violations of any type cause economic losses to the owner of copyright.					
37	Economic considerations play a major role in the way creative industries use copyright.					
38	The burgeoning digital culture has in many ways changed the economics of the creative industries that significantly use copyright.					
39	The reasons for violating copyright are most primarily economic in nature (i.e. for financial gains).					
40	Piracy is a huge threat to the economic well-being of creative industries.					
	As a cultural right	1	2	3	4	5
41	Copyright serves as incentive for creativity and is thus instrumental in increasing cultural output.					
42	Culturally strong creative industries tend to create more copyrighted works.					
43	A creative industry which has a large number of cases of copyright violations may be seen as culturally bankrupt.					
44	Public domain works form a very significant component of the repository that culture holds, especially since they may be used for the creation of numerous derivative works.					
45	Market forces demand and command the creation of copyrighted products that may not be culturally superior.					
46	A film is primarily and essentially a cultural artifact, in which economic rights exist legally in the form of copyright.					
47	Copyrighted works created by culturally strong creative industries (such as Hollywood) are generally perceived as high-value and high-quality works.					
48	Rampant piracy in any major creative industry indicates the criminalization of culture in that economy.					

PART 2: INFORMATION ABOUT RESPONDENTS

Please provide the following information about yourself. (If you do not wish to disclose your identity, you may choose to not mention particulars about yourself at Ques. No. 6.)

1. Gender									
2. Age									
3. Under which of the following categories does your work in the film industry generally fall: (Place a tick in the appropriate box) (If more than one categories are relevant, choose the one that is most relevant)									
i. DIRECTION	(Director/ Assistant Director)								
ii. PRODUCTION	(Producer/ Assistant Producer/ Production Manager/ Executive in a Production House)								
iii. WRITING	(Writer {Story/ Screenplay/ Script}/ Assistant Writer/ Lyricist)								
iv. DISTRIBUTION	(Director/ Assistant Director)								
4. Acquired educational level (Place a tick in the appropriate box): (If Professional Film Education is in addition to another category, please tick both)									
i. No Schooling									
ii. Primary Schooling									
iii. Secondary/ High School									
iv. Graduation									
v. Post-graduation or Higher									
vi. Professional Film Education									
5. What is the LANGUAGE of the films you generally work for: (In case more than one language is applicable, please tick the most relevant one.)									
Hindi		Punjabi		Bengali		Marathi		Any Other	
6. Name/Address/ Email id: _____ _____									

_cons		3.831667	.0631292	60.70	0.000	3.707936	3.955398
-----+-----							
IF5 <-							
IC		-.0508147	.3840923	-0.13	0.895	-.8036218	.7019924
_cons		4.016667	.0772652	51.99	0.000	3.86523	4.168104
-----+-----							
pf1 <-							
PF		-.0966591	.0594652	-1.63	0.104	-.2132088	.0198905
_cons		4.149583	.0438891	94.55	0.000	4.063562	4.235604
-----+-----							
PF2 <-							
PF		.0711568	.0482408	1.48	0.140	-.0233934	.165707
_cons		3.422	.0351516	97.35	0.000	3.353104	3.490896
-----+-----							
PF3 <-							
PF		-.0682245	.0525499	-1.30	0.194	-.1712205	.0347714
_cons		4.4875	.0383978	116.87	0.000	4.412242	4.562758
-----+-----							
PF4 <-							
PF		.0849267	.1008976	0.84	0.400	-.1128289	.2826823
_cons		3.558333	.0738766	48.17	0.000	3.413538	3.703129
-----+-----							
PF5 <-							
PF		-.0518803	.1182404	-0.44	0.661	-.2836273	.1798667
_cons		3.883333	.083486	46.51	0.000	3.719704	4.046963
-----+-----							
--							

LR test of model vs. saturated: Chi2(62) = 67.91, Prob > Chi2 = 0.2830

Fit statistic	Value	Description
-----+-----		
Likelihood ratio		
chi2_ms(62)	67.908	model vs. saturated
p > chi2	0.283	
chi2_bs(78)	362.493	baseline vs. saturated
p > chi2	0.000	
-----+-----		
Population error		
RMSEA	0.028	Root mean squared error of approximation
90% CI, lower bound	0.000	
upper bound	0.064	
pclose	0.814	Probability RMSEA <= 0.05
-----+-----		
Information criteria		
AIC	2997.949	Akaike's information criterion
BIC	3115.023	Bayesian information criterion
-----+-----		
Baseline comparison		
CFI	0.979	Comparative fit index
TLI	0.974	Tucker-Lewis index
-----+-----		
Size of residuals		
SRMR	0.072	Standardized root mean squared residual
CD	0.983	Coefficient of determination

ANNEXURE III (Publications)

S. No.	Name of the Journal	Title of Paper	Particulars of Publication	Journal Coverage
1	Anthropologist	Copyright Violations, 'Inspirations' and Adaptation in Indian Films: A Case for Cinema as Visual Anthropology?	Volume 18(1): Pages 211-216 (2014)	SSCI/ SCIE
2	Queen Mary Journal of Intellectual Property	State of Copyright in Indian Cinema: Why Barfi symbolizes all that's wrong with Bollywood?	Volume 4 Number 4 Pages 310-321 (2014)	SSCI
3	Language in India	Coping with copying: Copyright Violations in Literary Works and Films	Volume 14: Page 1-9 (2014)	EBSCO Host database, MLA International Bibliography, Directory of Periodical, ProQuest (Linguistics and Language Behavior Abstracts), <i>Gale Researchs</i> , Directory of Open Access Journals, <i>Cabell's Directory</i>