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PROTECTION OF COPYRIGHTS IN THE WORLD OF E-COMMERCE AND E-GOVERNANCE

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ABSTRACT

The internet is wonderful for promoting your business, but as Ecommerce increases, there's a risk that others can copy either the features, or content, of your website. Thankfully, the law provides protection for your website and its contents and you can copyright your intellectual property.

It is possible to use technological protection to limit public access to your website's content. For example, access can be granted only to visitors who accept specified conditions about the use of the content, or who have paid for its use.

KEYWORDS: *Copyright, E-commerce, Internet*

INTRODUCTION

Techniques often used include online agreements to grant visitors a limited licence to use your website's content. In addition, encryption can be used – software products and audiovisual works can include encryption, safeguarding them from unlicensed use. When a content file is downloaded by a customer, the software contacts a clearing-house, which arranges payment. Then, the file is decrypted and is assigned a “key” – which can be a password – which enables the customer to access the content.

Systems such as this can check the user's identity, the content files' identities and also the access privileges that the user has for the file, such as reading or altering it. You can make a document viewable only for a limited time, for example. In the case of images, you can post pictures on your

website with enough detail to view them, but of insufficient quality to copy or reproduce them elsewhere, to counteract potential misuse.

Typically, a website is made up of components owned by different people or companies. For example, the navigation software rights may be owned by one company. Another may own copyright of the photographs, text and graphics. It's not always necessary for your business to own all the IP rights for every element of your website. However, it's important that you know what exactly you own and your rights to use the other elements which you don't necessarily own.

However, many small businesses outsource their website's creation, content and design to outside contractors. Never assume, as a

businessperson running an Ecommerce website that you automatically own the IP rights if this is the case. It may come as a surprise to learn that independent contractors usually own the IP rights of the works they have created. This is the case even if you have paid for the work. The way round this is to have a written contract clarifying who owns the copyright.

Consider having a copyright statement on every page of your website that spells out your business' terms on use of the page. Viewers would at least know what they can do with the page (for example, whether or not, and on what conditions, they are allowed to create links to the site, download and print material from the site), and who to contact to get a copyright clearance in relation to any material on your site.

Typically, software products, phonograms and audiovisual works may include encryption to safeguard them from unlicensed use. When a customer downloads a content file, special software contacts a clearinghouse to arrange payment, decrypts the file, and assigns an individual "key" - such as a password - to the customer for viewing or listening to the content.

In its simplest form, such systems check the identity of the user, the identities of the content files, and the privileges (reading, altering, executing, etc.) that each user has for each file. You may configure access to your electronic content in numerous ways. For example, a document might be viewable but not printable; may be only used for a limited time; or may be tethered⁷ to the

computer on which it was originally downloaded.

RESEARCH WORK

A typical website is a collage of components often owned by different persons. For example, one company may own rights in the navigation software; others may own copyright in photographs, graphics and text; and yet another person may own copyright in the design of your site. It may not be necessary for your business to own the IP rights in all elements of your website, but you should at least find out what you own, what you have rights to use and in what way, and what you do not own or have rights to use.

Most companies outsource the creation of their website design and/or content to an outside contractor, and assume they own IP rights in it because they paid for the work. Beware! You may be surprised to find out that you do not own the IP rights in what has been created for you. Independent contractors (contrary to employees) usually own IP rights in the works they create - even if you have paid for it -, unless otherwise agreed in a written contract.

In practice, this means that the independent web developer will usually own copyright and other IP rights in the website, as well as in the design and elements contributing to that design (such as colors, gifs, jpegs, setup, hyperlinks, text coding). Without a valid, written agreement transferring to you all these rights, you may end up owning nothing except perhaps a nonexclusive license to use your own site.

Current technology makes it fairly easy to use material created by others - film and television clips, music, graphics, photographs, software, text, etc. – in your website. The technical ease of using and copying these works does not give you the legal right to do so. Using material without getting permission - either by obtaining an "assignment" or a "license" - can have dire consequences.

Finding the copyright owner and obtaining all necessary licenses is not always an easy task. In practice, website developers and businesses that create their own website often use material that is in the public domain. There are numerous institutions (libraries, national archives, collective management organizations) and online portals that have databases with public domain works. For works that are not in the public domain, the best way is probably to see if the work in question is registered in the repertoire of the relevant collective management organization or clearinghouse, which considerably simplifies the process of obtaining licenses.

There are various benefits provided by the technology whether it is at an individual level, or development of the Country as a whole. It's a tool which makes a platform for the growth and development of the Country and is therefore important. The use by government agencies of the information technologies (IT) to improve and transform relations with the citizens, businesses and other arms of the government for availing services to its citizens, and providing them an efficient way of complying with the

norms/rules/regulations set by the government, is known as e-governance. This kind of technological use is been introduced for the welfare of the marginalized sections of the society also, and is therefore an initiative for helping them join the mainstream of the society. It's only that the information needs to be spread among all the sections of the society to avail the services of the e-governance. Government through the use of IT based technology has now become facilitator of its services to different segments of people at all levels.

The use of IT by the government to facilitate services like filling the forms online, payment of bills (electricity, water supply etc.), distant education for its citizens, filing the tax returns, registration of land records and birth and death rates in India, and tele-medicines, and the services like e-chaupal have lead to an efficient, and easy to use of system for the citizens irrespective of any disparity among them. Government can provide services and information electronically to its citizens and business enterprises.

DISCUSSION

Business transactions with the government can be done by Government to Business Transactions (G2B) where the information is delivered and transactions are made electronically with the businesses. It even helps in government to government transactions, or inter-departmental transactions within the government, and with government employees called, Inter Government Administration, (G2G).

Through e-governance the transactions would be more efficient, effective and transparent. E-governance can also help increasing the exports and tourism and raise foreign trade of the country through G2X Transactions.

E-governance is a scheme to connect the citizens, businesses and other arms of the government and help them interact in a better way to improve the economy of the country as a whole. Not only this, it also helps in the empowerment of the citizens, as all the new government policies, rules etc. would be put on the forefront through e-governance. This would facilitate right to information to the citizens enshrined under Article 19 of the Constitution, and empower them to avail of their rights in better way, as before it was hard to keep themselves updated with policies and rules adopted by the government. So the system has not only made the administration better but also helped citizens get updated with the new policies, processes and the help-lines been offered by the government at all levels.

The e-governance has made the system more transparent, by cutting down the practice of red-tapism, corruption by the officials, as now the government can reach the citizens directly. E-governance in a long run would surely bring the benefit of improving the revenue collections, and therefore would help the government to gain higher revenue for enhancing the welfare of citizens. Not only this it would also at the same time reduce the cost of running the government as every service offered by the government would be governed through the technology,

at the same time there wouldn't be unemployment as the employees previously employed would be transferred to alternative jobs for their livelihood.

At present, India is providing E-governance services in the field of Agriculture, education and power and is yet to provide the same for income tax returns and revenue collections also. Other Countries like Singapore, Canada have already introduced the most commonly used services online for the efficiency of the citizens by 2005, and improved the same by now with increased citizen's satisfaction. And in case of United States, citizens can access the services offered by the government within three clicks, why should India be left behind? It's delightful to note that, the national action plan has been approved for the implementation in the year 2003-2007, with 10 components and 25 mission mode projects, like Banking, Income tax, passport visa and immigration projects, National citizen database, Central excise, pensions, land records, property registration, municipalities, commercial taxes etc. This can be said to be the way of re-engineering the government services according to the changing needs of time, by providing integrated services as one stop shop for all services of the government. Other important advantage being, accountability of the government as the payment made is stored into the data of the computer system with the receipt of the payment. This would help in citizens' welfare, and the national economic growth.

CONCLUSION

Institutional arrangements have been reached by the government: Central level Apex Committee under the Cabinet Secretary has been created to look after the implementation of the system at the Central level, which has managed to implement the services like DGFT, Railways, customs, and Income tax. The State structure headed by Cabinet Secretary (CS), who would have a substantial authority over the state run e-governance system, and services provided by it so far are Land records, registration, transport and treasuries etc. Initiatives have also been taken for the introduction of services at district level. But there remains a lot to be done in this regard; therefore there is a need for speeding up the introduction of the Information and Communication Technology (ICT) in the country as compared to the facilities provided by the other federal countries like Canada etc.

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