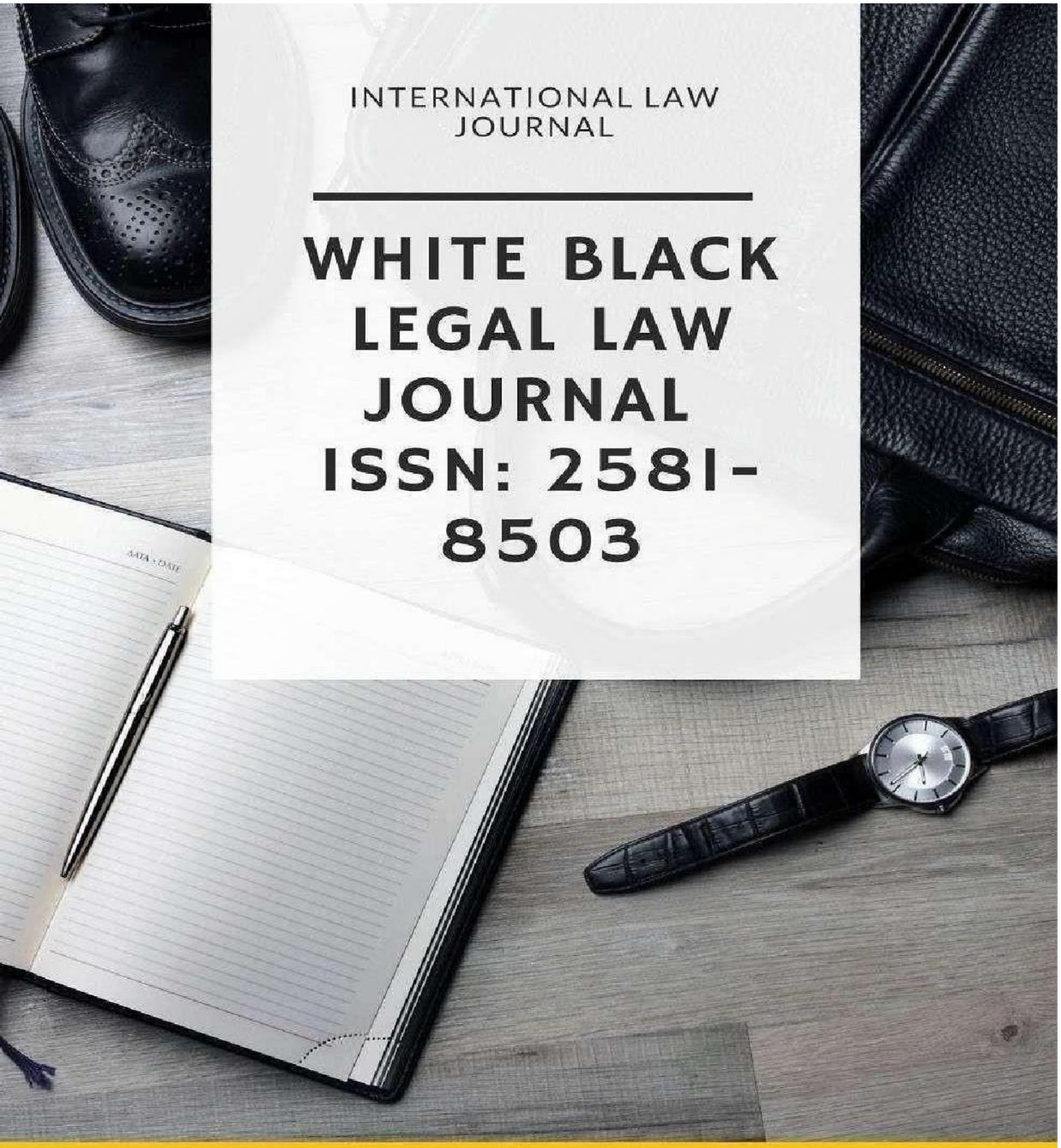

INTERNATIONAL LAW JOURNAL

WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

Peer - Reviewed & Refereed Journal

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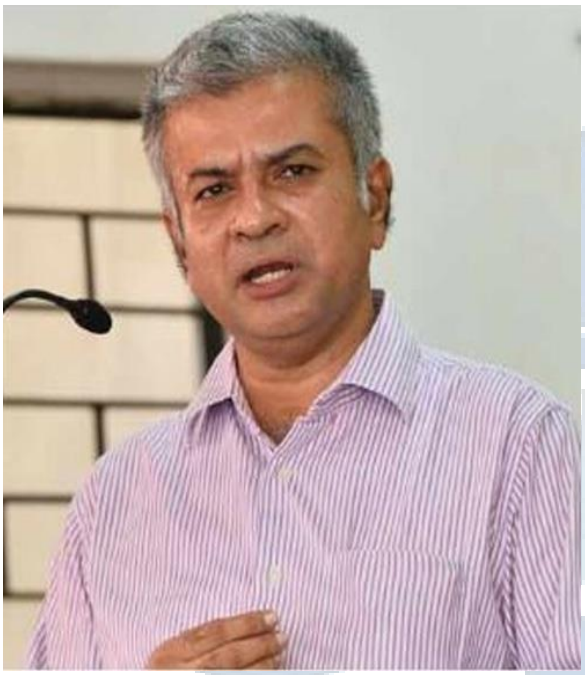

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 ISSN: 2581-8503

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Volume 3 Issue 1 | Feb 2025 ISSN: 2581-8503

IDEA/ EXPRESSION DICHOTOMY

AUTHORED BY - ADV. BEAULIN.D

INTRODUCTION

Copyright is the exclusive right of the copyright holder. It has monopoly rights but only to a limited extent. Copyright is a right which the creators have over their work. Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. The authors of original musical, dramatic, artistic, and literary works, as well as the makers of motion pictures and sound recordings, are granted a number of legal rights collectively known as copyright. The rights granted by copyright legislation include the rights to reproduce an artwork, communicate it to the public, adapt it, and translate it. The nature of the protected work determines the extent and length of the protection offered by copyright law.

Idea/expression dichotomy is considered as the fundamental part of copyright which limits the scope of copyright protection. Traditionally it's well known that copyright does not protect ideas, it protects the way the idea gets expressed. This idea/expression duality is seen by courts as the primary copyright law doctrine to be applied when deciding what is protected in cases of infringement.[1] This dual nature of copyright is considered as the essence of copyright law. Copyright allows borrowing of ideas which give writers plenty of space to contribute to the "marketplace of ideas" rather than just restating what others have said.[2] Though it encourages others to use the original author's underlying ideas and topics to produce their own original expression, copyright protects authors' rights to control their original expression.[3] All authorial works are subject to this principle, which is called the idea-expression dichotomy.

[1] Richard H Jones, "The myth of the idea\expression dichotomy in copyright law", Volume 10, Pace Law Review, June 1990, at pp.3
[2] Alfred C Yen, "The first amendment perspective on the idea/expression dichotomy and copyright in a works total concept and feel", 1989
[3] Michael murray, "Copyright, Originality, and the End of the Scenes a Faire and Merger Doctrines for Visual Works", 2006

EXPRESSION V IDEA

Firstly, what is an idea? And what is an expression? A boy loves a girl. This is an idea. There was a beautiful village where a boy named Ram loved a girl named Jaanu who was selling sweets on the streets. This is an expression. In copyright law an idea is not protectable whereas expression is protectable. The basic idea of love is not protected but the way of expressing the idea of love is protectable.[4] Basically an idea is a thought in mind whereas expression is an implication of that idea.

If an idea can be expressed in 'n' number of ways and the idea of first author alone is protected, the cost of expression of remaining 'n-1' authors would increase because each one would have invest time and effort in coming up with an original idea for his work or to substitute additional expression for the part of his idea that overlapped the first author's. The number of works created would be reduced and social welfare would fall.[5] Many people can come up with ideas but implementation of that idea needs effort. Ideas are unrestricted. However, while the author keeps them in his study, they are like birds in a cage that only he has the authority to release; until he deems it appropriate to do so, they are under his control.[6] The authors can claim copyright only to the expressed ideas. And the expression of such ideas should not be a copy of others. It must be specific and unique.

Baker's v *Seldon*[7] is one of the landmark cases relating to this context. Seldom was the owner of a particular book which relates to the accounting system. The book also includes tests and illustrations. He has also got copyright for that book. Baker published a book that contained blank copies of tables. His book was quite similar to the illustrations from Selden's books. The book was meant to provide accountants with ready to use tables, which they would otherwise have had to draw themselves. Seldon's book was based on the theoretical aspect of accounting whereas Baker's was in the practical aspect which is ready for utilization. This was the difference between the two books. Selden sued Baker for copyright infringement. Firstly The District Court found that Baker did infringe on Selden's copyright. On appeal the Supreme Court reversed.

[4] Manoj Kumar Sinha, Copyright Law in digital world challenges and opportunities, Springer Nature singapore, 2017
[5] Manoj Kumar Sinha, Copyright Law in digital world challenges and opportunities, Springer Nature singapore, 2017
[6] Richard H Jones, "The myth of the idea\expression dichotomy in copyright law", Volume 10, Pace Law Review, June 1990, at pp.3
[7] Bakers v Seldon , 101 US 99 (1879)

In this case it was held that writings about a subject of practical knowledge such as bookkeeping are considered to be community property and were the subject not of copyright.[8] Here the book of Seldon is different from that of the baker. Maybe the idea of both may be the same but the way of implementation of Idea is different. One is purely theory and the other is practical. The way of expressing it is copyrightable. If Baker used the same expression of Seldon that is if he published the same theory book that of Seldon he may get punished. Use of the same idea is not restricted under copyright.[9]

Another case relating to this is *R.G.Anand* v *Delux Films*[10] The facts of the case is that the plaintiff was a playwright who wrote the play Hum Hindustani, which became very popular. This play was written by him in the year 1953.[11] Plaintiff received a letter from the defendant Mohan Sehgal requesting the plaintiff to supply a copy of the play so that he could consider the desirability of making a film on it. Thereafter, the plaintiff and defendant met at Delhi. Later the defendant announced the production of a motion picture entitled "New Delhi". The picture was released in Delhi.[12] The plaintiff saw the motion picture of the defendant. The plaintiff claimed that the defendant's movie New Delhi was similar to his play. So he filed against the defendant for permanent injunction and damages. The defendants contended that there could be no copyright so far as the subject of provincialism is concerned which can be used or adopted by anybody in his own way.[13] The defendants further contended that the motion picture was quite different from the play both in contents, spirit and climax. The mere fact of some similarities between the films and the play could be explained by the fact that the idea, provincialism was the common source of the play as also of the film.

Provincialism means the way of life characteristic of the regions outside the capital city of a country, especially when regarded as unsophisticated. It was depicted in both the films which was a mere idea. In this case the court gave seven points which makes the judgment important.[14] They are 1. There was no copyright protection given to an idea, subject matter, themes, plots or historical or legendary facts and violation of the copyright in such cases will not be considered.

[8] Bakers v Seldon , 101 US 99 (1879)
[9] Bakers v Seldon , 101 US 99 (1879)
[10] R.G.Anand v Delux Films, AIR 1978 SC 1613
[11] R.G.Anand v Delux Films, AIR 1978 SC 1613
[12] R.G.Anand v Delux Films, AIR 1978 SC 1613
[13] R.G.Anand v Delux Films, AIR 1978 SC 1613
[14] R.G.Anand v Delux Films, AIR 1978 SC 1613

If the same idea is being developed in a different manner and the similarities may occur because of the common source. In such a case the courts should determine whether or not the similarities are on fundamental or substantial aspects of the mode of expression adopted in the copyrighted work. If the work of the defendant has no change but a literal imitation of the copyrighted work with some changes here and there it would amount to violation of the copyright.[15] If the fundamental or substantial part is similar to that of the plaintiff then he would be punished for Piracy.

2. The court found one of the safest tests to determine whether there exists a violation of copyright is Spectators test. Here the spectators are asked to find if both the works are similar.[16] If it seems similar in the eyes of the spectator then it would amount to violation of copyright.

3. If the theme of both the works is similar but is presented and treated differently the other work becomes completely new work and no violation of copyright will arise which means there is no copyright for the theme but if should be presented differently.[17]

4. Where apart from the similarities appearing in the two works there are also material and broad dissimilarities which negate the intention to copy The original and the coincidences appearing in the two words are clearly incidental; no infringement of the copyright comes into existence. Coincidence does not amount to violation of copyright if it's by incident.[18]

5. If the copyright violation amounts to piracy then it must be proved by clear evidence. It must be demonstrated by the analysis of several case law tests and supported by substantial and convincing evidence.[19]

6. However the question is of the violation of the copyright of a stage play the task of the plaintiff becomes more difficult to prove piracy. It is manifest that unlike a stage play a film has a much broader perspective, wider field and a bigger background where the defendants can by introducing a variety of incidents give a color and complexion different from the manner in which the copyrighted work has expressed the Idea. Even so, if the viewer after seeing the film gets a totality of impression that the film is by and large a copy of the original play, violation

[15] Charu Srivastava and Shobhlata Udapudi, "Fanciful similarity or substantial similarity: A perspective on requirement of originality in the light of copyright infringement of a cinematograph film under Indian copyright law", Volume IX, Mukt Shabd Journal, June 2020, pp.589

[16] Charu Srivastava and Shobhlata Udapudi, "Fanciful similarity or substantial similarity: A perspective on requirement of originality in the light of copyright infringement of a cinematograph film under Indian copyright law", Volume IX, Mukt Shabd Journal, June 2020 , pp.589

[17] Charu Srivastava and Shobhlata Udapudi, "Fanciful similarity or substantial similarity: A perspective on requirement of originality in the light of copyright infringement of a cinematograph film under Indian copyright law", Volume IX, Mukt Shabd Journal, June 2020, pp.589

[18] Rima Ghosh, "Expression Dispute under Copyright Law: A Synthesis Study", Volume 2, Law Journal, pp.244

[19] Rima Ghosh, "Expression Dispute under Copyright Law: A Synthesis Study", Volume 2, Law Journal, pp.244

of the copyright may be said to be proved.[20]

Hence in this case the court held that in a film or stage show there may exist similarities in ideas because the ideas are mostly common. But it should be expressed differently from others. Ideas cannot be copyrighted whereas expressions can.[21] This was a landmark case. The court interpreted the judgment using seven important points. In the fourth point the judge says about the spectators test which was considered as the safest test for finding similarities between movies. But I did not consider it as the safest test. Because the perspective of similarities between movies differ from individuals to individuals. Opinion and view of similarity depends upon people. And it will not give clear justification about similarities and differences.

DOCTRINE OF MERGER

Doctrine of merger is one of the important doctrines in idea expression dichotomy. It is an exception to the general concept of idea expression dichotomy. Ideas by themselves are not protected by copyright, as demonstrated in Nichols v. Universal Pictures Corporation[22] instead, the expression is said to have "merged" with the concept when the two become so intertwined that it is impossible to distinguish between them.[23] An expression is protectable under copyright law but if the idea and expression become inseparable then it will not get protection under copyright. If the idea and expression merged to give particular work then the expression would not get copyright. To put it another way, if there is only one way to represent or illustrate the idea, then no one is allowed to claim a copyright in that specific way. since doing so would deny everyone else a right to do so.[24] If ideas and expressions are inseparable or merged this doctrine is applied by courts.

In *Mattel Inc* v *Jayant Agarwalla*[25] case the court applied doctrine of merger. Plaintiffs in this case were leading manufacturers of toys, games. One of the well known products of plaintiff is board game 'SCRABBLE' which is a word based game. The Plaintiffs alleged that

[20] R.G.Anand v Delux Films, AIR 1978 SC 1613
[21] R.G.Anand v Delux Films, AIR 1978 SC 1613
[22] Nichols v universal Pictures Corporation, 45 F 2.d 119, 1930
[23] Matthew J Faust, "What Do We Do With a Doctrine Like Merger? A Look at the Imminent Collision of the DMCA and Idea/Expression Dichotomy", Volume 12, Marquette intellectual property law Review, 2008
[24] Michael murray, "Copyright, Originality, and the End of the Scenes a Faire and Merger Doctrines for Visual Works", 2006
[25] Mattel Inc v Jayant Agarwalla 2008 (153) DLT 548

defendants launched an online version of their board game under the mark 'SCRABULOUS'.[26] Plaintiffs claimed that such unlawful adoption of deceptive and confusingly similar marks for the online version of their game. The plaintiffs also claim that defendants have infringed their copyright in the game board and the rules. By the use of red, pink, blue and light blue tiles, use of identical patterns of arrangement of colored tiles and the use of a star pattern on the central square, the plaintiffs claim that the defendants have infringed their copyright in the game board which is an artistic work.[27]

In this case the court held that no Copyright protection was granted to the Plaintiff on account of Doctrine of Merger. As per doctrine of merger, when the expression of an idea is the only way of expression of idea, i.e. the idea could not be expressed in any other way and merges with expression, the expression cannot have any protection. Applying this doctrine, courts have refused to protect the expression of an idea, which can be expressed only in a very limited manner, because doing so would confer monopoly on the idea itself.[28] No Copyright protection was granted to the Plaintiff on account of Doctrine of Merger. As per doctrine of merger, when the expression of an idea is the only way of expression of idea, i.e. the idea could not be expressed in any other way and merges with expression, the expression cannot have any protection. Applying this doctrine, courts have refused to protect the expression of an idea, which can be expressed only in a very limited manner, because doing so would confer monopoly on the idea itself.[29]

Another case relating to doctrine merger is *Computer Associates International* v *Altai*,[30] CA and ALTAI are two companies in the computer software industry which are engaged in designing, developing and marketing various types of computer programs. Computer Associates International created a computer scheduling program called CA-SCHEDULER. Part of CA-SCHEDULER was the ADAPTER, which was able to translate the language of the program into the languages of various computer operating systems (e.g., DOS, VSE, MVS) so that CA-SCHEDULER could run on all operating systems. Altai, Inc. the defendant in the case manufactured its own computer scheduling program called ZEKE

[26] Mattel Inc v Jayant Agarwalla 2008 (153) DLT 548
[27] Mattel Inc v Jayant Agarwalla 2008 (153) DLT 548
[28] Bhavyakirti Singh, "Exploring the impact of the finiteness of melodies: future of copyright infringement claims in musical work", NUJS Law Review
[29] Mattel Inc v Jayant Agarwalla 2008 (153) DLT 548
[30] Computer Associates International v Altai 982 F.2d 693 (2d Cir. 1992)

that ran only on the VSE operating system.[31] Altai hired Claude Arney, a former employee of CA, to create a version of ZEKE that was compatible with the MVS operating system. Williams, the president of Altai did not know that ADAPTER was a component of CA-SCHEDULER. Arney did not tell Williams that his idea stemmed from his familiarity with ADAPTER. Arney went to work creating OSCAR at Altai's offices using the ADAPTER source code. Arney created a similar translator for Altai, called OSCAR 3.4, that was approximately 30% copied from ADAPTER. CA filed a copyright infringement suit against Altai, at which point, Altai decided to remake OSCAR to remove all aspects of ADAPTER. A rewrite of Oscar began, named Oscar 3.5.Â. From that point on, Altai shipped only OSCAR 3.5 to its new customers. Altai also shipped OSCAR 3.5 as a "free upgrade" to all customers that had previously purchased OSCAR 3.4.[32]

In this case the court held that in any suit for copyright infringement, the plaintiff must establish ownership of the copyrighted work and the materials which were copied. The court asked that by direct evidence the plaintiff had to prove that (1) the defendant had access to the plaintiff's work and (2) that the defendant's work is substantially similar to the plaintiff's work.[33] The court applied an important test called **Abstraction, Filtration and Comparison** test to identify the substantial similarity of computer programs. For ascertaining the substantial similarity between works based on this test the infringed programs should be split into structural parts.[34] Then, by examining each of the parts incorporated ideas, expression that is necessarily incidental to those ideas, and elements that are taken from the public domain, a court would then be able to sift out all non protectable material.

Abstraction: The abstractions test will comprise the first step in the examination for substantial similarity.[35] The manner which resembles here is reverse engineering, that is the court should dissect the allegedly copied program's structure and isolate each level of abstraction contained within it.

Filtration: This method is for separating protectable expression from non-protectable material.

[31] Computer Associates International v Altai 982 F.2d 693 (2d Cir. 1992)
[32] Computer Associates International v Altai 982 F.2d 693 (2d Cir. 1992)
[33] Computer Associates International v Altai 982 F.2d 693 (2d Cir. 1992)
[34] Computer Associates International v Altai 982 F.2d 693 (2d Cir. 1992)
[35] Andrew Isztwan, "Computer Associates International v. Altai, Inc.: Protecting the Structure of Computer Software in the Second Circuit", Volume 59, Brooklyn Law Review, Issue 2, 1993

The court will determine what is protectable and what non protectable ideas are. The material which comes under scenes of a faire doctrine, is material found in the public domain.[36] Such material is free for all and cannot be appropriated by a single author even though it is included in a copyrighted work.[37] Thus, a court must also filter out this material from the allegedly infringed program before it makes the final inquiry in its substantial similarity analysis.

Comparison: The third and final step of the test for substantial similarity that we believe appropriate for non literal program components. Once a court has sifted out all elements of the allegedly infringed program which are "ideas" or are dictated by efficiency or external factors, or taken from the public domain, there may remain a core of protectable expression.[38]

At this point, the court's substantial similarity inquiry focuses on whether the defendant copied any aspect of this protected expression, as well as an assessment of the copied portion's relative importance with respect to the plaintiff's overall program.[39] In adopting the above three step analysis for substantial similarity between the non-literal elements of computer programs, we seek to insure two things: (1) that programmers may receive appropriate copyright protection for innovative utilitarian works containing expression; and (2) that non-protectable technical expression remains in the public domain for others to use freely as building blocks in their own work.[40]

This is a different judgment compared to all other judgments. Here the court applied logical interpretation to explain the case. The case was explained very clearly using three tests which in turn helps to clearly figure out the infringed materials. Any cases in future can use this interpretation to seek out the case. This test of abstraction, filtration and comparison gives a clear cut idea to extract the substantially similar works.

DOCTRINE OF SCENES A FAIRE

The idea of scenes a faire is a french term meaning ‘scenes to be made’. The Indian Copyright Act did not specifically define the Scene a faire doctrine.[41] Scenes a faire doctrine is similar to

[36] Computer Associates International v Altai 982 F.2d 693 (2d Cir. 1992)
[37] Andrew Isztwan, “Computer Associates International v. Altai, Inc.: Protecting the Structure of Computer Software in the Second Circuit”, Volume 59, Brooklyn Law Review, Issue 2, 1993
[38] John H Butler, “Pragmatism in Software copyright: Computer associates v Altai”, Volume 6, 1992
[39] John H Butler, “Pragmatism in Software copyright: Computer associates v Altai”, Volume 6, 1992
[40] Computer Associates International v Altai 982 F.2d 693 (2d Cir. 1992)
[41] Rima Ghosh, “Expression Dispute under Copyright Law: A Synthesis Study”, Volume 2, Law Journal, pp.244

doctrine of merger. It is an exception to the general rule that the idea expressed in a particular way is protectable under copyright law.[42] Scenes a faire will be applicable to fictional characters which are not true or imaginary things.[43] It includes action sequences, horror stories, escapes etc.[44] When the idea and expression become inseparable there comes this doctrine.

A case relating to doctrine of scenes a faire is *NRI Film Associates Pvt Ltd* v *Twentieth Century Fox Film Corporation,*[45] The facts of the case is Movie 'Independence Day' (ID) is similar to the film script 'Extra Terrestrial Mission' (ETM).

The court applied scenes a faire doctrine and afforded immunity from liability for similar incidents or plots which necessarily follow from a common theme or setting. The picturisation of blasting of nuclear missiles, disruption of communications, traffic jams are nothing but "scene a faire" commonly found in scientific fictions.[46] Indeed in the several English earlier movies which have been marked and presented visually for the Court's benefit disclose that the confrontation of aliens with the men on the earth, the spaceship energy shields are the ideas evolved several decades ago and there is nothing special of the idea In fact E.T.M. is only at the stage of film script, a reading material. Whereas I.D. is a visual material.[47] The presentation and picturisation of ideas into events in a visual form involves technical skills and expertise of photography.

The depiction of the events of nuclear missile attacks, the traffic jams, disruption of communications, devastating effects of the nuclear bombardment could get altogether a different photographic treatment varying from person to person. The photographic expression of the work in the film would itself constitute a copyright.[48]

Therefore, it cannot be said that the script of E.T.M. if made a film will bear the similar presentation and effects. Both the movies talk about aliens which were considered fictional.

[42] Rima Ghosh, "Expression Dispute under Copyright Law: A Synthesis Study", Volume 2, Law Journal, pp.244
[43] Don M Tamura, "Copyright Infringement: An Argument for the Elimination of the Scenes a Faire Doctrine", Volume 5, Hastings communication and entertainment law journal, 1982.
[44] Leslie A Kurtz, "Copyright: The Scenes of a Faire Doctrine", Volume 41, Florida Law review, 1989
[45] NRI Film Associates Pvt Ltd v Twentieth Century Fox Film Corporation, ILR 2004 KAR 4530
[46] Manoj Kumar Sinha, Copyright Law in digital world challenges and opportunities, Springer Nature singapore, 2017
[47] NRI Film Associates Pvt Ltd v Twentieth Century Fox Film Corporation, ILR 2004 KAR 4530
[48] NRI Film Associates Pvt Ltd v Twentieth Century Fox Film Corporation, ILR 2004 KAR 4530

CONCLUSION

This research aims to evaluate copyright infringement by emphasizing the significance of idea/expression difference. In order to do this, the article first looked at the idea/expression dichotomy, which is the main conceptual limitation on copyright and then to its corresponding doctrines.[49] In this paper it's clear that the courts have employed the idea-expression distinction in case laws in the context of infringement judgements as an effort to provide some objective framework. According to this context, copyright law used to solely protect the specific format and form that an artist used to convey their ideas, and the concept of infringement primarily addressed the question of independent production.[50]

One of the oldest principles of copyright law, not just in India but in all jurisdictions, is the idea-expression duality. This principle recognizes that ideas are abstract and can be common to everyone. What deserves legal protection is the creative way an arctic expresses the said idea. Thus it becomes important to be able to distinguish between ideas and expression.

BIBLIOGRAPHY

- Indian Copyright Act, 1957
- Principles of intellectual property, N.S.Gopalakrishnan & T.G.Agitha, second edition., accessed on October 2022
- Richard H Jones, "The myth of the idea\expression dichotomy in copyright law", Volume 10, Pace Law Review, June 1990, at pp.3, available at www.researchgate.net/publication/362482459_CONTEMPORARY_ART_AND_ITS_PR OTECTION_IN_THE_SCOPE_OF_COPYRIGHT_LAW, accessed on November 2022
- Alfred C Yen, "The first amendment perspective on the idea/expression dichotomy and copyright in a works total concept and feel", 1989, accessed on november 2022
- Michael murray, "Copyright, Originality, and the End of the Scenes a Faire and Merger Doctrines for Visual Works", 2006, accessed on october 2022
- Manoj Kumar Sinha, Copyright Law in digital world challenges and opportunities, Springer Nature singapore, 2017, accessed on october 2022

[49] Alfred C Yen, "The first amendment perspective on the idea/expression dichotomy and copyright in a works total concept and feel", 1989

[50] Amy B Cohen, "Copyright Law and the Myth of Objectivity: The Idea-Expression Dichotomy and the Inevitability of Artistic Value Judgments", Heinonline, 1990

- Charu Srivastava and Shobhlata Udapudi, “Fanciful similarity or substantial similarity: A perspective on requirement of originality in the light of copyright infringement of a cinematograph film under Indian copyright law”, Volume IX, Mukt Shabd Journal, June 2020 , pp.589
- Rima Ghosh, “Expression Dispute under Copyright Law: A Synthesis Study”, Volume 2, Law Journal, pp.244, accessed on october 2022
- Andrew Isztwan, “Computer Associates International v. Altai, Inc.: Protecting the Structure of Computer Software in the Second Circuit”, Volume 59, Brooklyn Law Review, Issue 2, 1993, accessed on december 2024
- Amy B Cohen, “Copyright Law and the Myth of Objectivity: The Idea-Expression Dichotomy and the Inevitability of Artistic Value Judgments”, Heinonline, 1990,
  available at www.academia.edu/77935069/Improper_Appropriation, accessed on december 2024
- Don M Tamura, “Copyright Infringement: An Argument for the Elimination of the Scenes a Faire Doctrine”, Volume 5, Hastings communication and entertainment law journal, 1982. accessed on october 2022
- Leslie A Kurtz, "Copyright: The Scenes of a Faire Doctrine”, Volume 41, Florida Law review, 1989 accessed on october 2022
- John H Butler, “Pragmatism in Software copyright: Computer associates v Altai”, Volume 6, 1992, accessed on december 2024
- Jonathan Griffiths, “Misattribution and misrepresentation- the claim for reverse passing off as paternity right”, Sweet and Maxwell contributors, 2006.accessed on october 2022
- Bhavyakirti Singh, “Exploring the impact of the finiteness of melodies: future of copyright infringement claims in musical work”, NUJS Law Review, accessed on december 2024
- Matthew J Faust, “What Do We Do With a Doctrine Like Merger? A Look at the Imminent Collision of the DMCA and Idea/Expression Dichotomy”, Volume 12, Marquette intellectual property law Review, 2008, accessed on november 2022