

Memos: Original Art or Copyright Infringement???

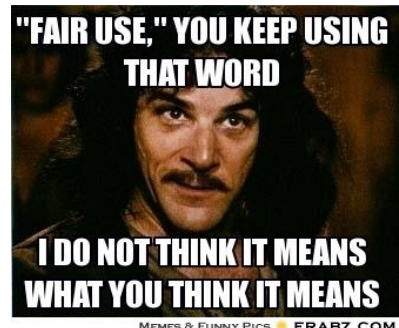
Copyright is a bundle of rights granted by law to the creators of literary, dramatic, musical and artistic works and the producers of cinematograph films and sound recordings. Such rights include the rights of reproduction of the work, communication of the work to the public, adaptation of the work and translation of the work.

Online jokes consisting of illustrations, photos or movie excerpts which are superimposed with text with a humorous undertone, that spread like wildfire in the internet community aka Memos, would fall under the ambit of 'artistic works' which is defined under the provision of section 2 (c) of the Copyright Act, 1957 and can be copyrighted subject to the provisions in the Act. Usually, an image/photograph in a meme is copyrighted, thus any kind of reproduction, use or sharing without the permission of the owner will be a violation.

So is every meme an infringement? The 'fair use' doctrine is a legitimate defence in cases of copyright infringement. The four-factor test is used as a yardstick while considering fair use: 1) The purpose and character of the use, including whether or not such use is of commercial or non-commercial educational purpose; 2) Nature of copyrighted work; 3) The amount and severity of the part used in relation to the entire copyright work; and 4) The effect of the use on a potential market or the amount of copyrighted work. Generally, when the volume of copyrighted work is minuscule and does not affect the potential market for a copyright holder, those memos created and published only for purpose of a good laugh are not considered infringing.

Did you know, meme is sourced from Greek word *mimēsthai* i.e 'to imitate' was intended to echo gene or be pronounced as cream!

For more information Contact: 9284080169



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