

Frames of Originality: Exploring Authorship and Originality in Cinematographic Films in Copyright Law across India, the US, and Germany

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Originality and authorship in cinematographic works constitute foundational principles of copyright law and offer a compelling framework for analysing the intersection of legal doctrine, cultural production, and creative collaboration in filmmaking. This paper examines the legal frameworks governing originality and authorship in cinematographic films across India, the United States, and Germany, three jurisdictions with distinct yet influential approaches to copyright law. By undertaking a detailed analysis of statutory provisions, landmark judicial decisions, and evolving judicial interpretations, the research critically examines areas of convergence and divergence in the conceptualisation of originality, the determination and allocation of authorship rights, and the scope of protection accorded to creative expression in cinematographic works.

In India, originality remains tethered to minimal creativity under the Copyright Act, 1957, while the U.S. employs a more nuanced test of creativity under the Copyright Act, 1976, shaped by the seminal *Feist Publication, Inc. v Rural Telephone Service Co.*, 499 U.S. 340 (1991) (hereinafter, Feist case) decision. In Germany, rooted in the moral rights tradition of continental Europe, originality is intertwined with the personal imprint of the author, creating a robust regime for protecting the auteur's vision under the *Urheberrechtsgesetz*.

This comparative analysis not only underscores the evolving nature of copyright doctrines in a globalized world. The paper argues for a balanced interpretation of originality and authorship that accounts for the unique creative processes in filmmaking while ensuring the equitable protection of rights across jurisdictions. This discussion serves as a cornerstone for policymakers, scholars, and industry stakeholders navigating the intersection of law, creativity, and cinema

Keywords: Originality, Authorship, Copyright, Cinematographic Film, Producer

Cinematographic films are a unique amalgamation of artistic creativity, technical expertise, and collaborative effort. From scriptwriting to direction, cinematography to editing, each stage involves multiple contributors whose collective input culminates in the final work. This intricate process raises compelling questions about the nature of originality and authorship, concepts central to copyright law. Who qualifies as the "author" of a film? What constitutes "originality" in such a layered creation? And how do different legal systems reconcile these complexities to protect creative expression while fostering cultural dissemination?

These questions gain prominence in a globalized creative landscape, where films traverse national boundaries and legal systems, necessitating an understanding of how copyright laws in various jurisdictions approach these issues. India, the United States, and Germany present an intriguing triad for

comparison. Each country has developed distinctive doctrines underpinned by its historical, cultural, and legal traditions. India's copyright framework emphasizes minimal creativity, aligning originality with labor and skill. The United States adopts a pragmatic approach to originality, focusing on a modicum of creativity as laid out in the landmark *Feist* case. Germany, deeply influenced by moral rights and the auteur tradition, emphasizes the personal imprint of the creator, offering robust protection for individual vision.

This paper explores these three legal systems to illuminate the diverse interpretations of originality and authorship in cinematographic works. Through a comparative lens, it examines how statutory provisions, judicial precedents, and cultural influences shape the treatment of films within copyright law. By analyzing these issues, the study seeks to contribute to a more nuanced understanding of copyright law's role in balancing the interests of creators, collaborators, and audiences in a rapidly evolving cinematic and legal landscape.

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International Treaties

The Berne Convention for the Protection of Literary and Artistic works, 1883 (hereinafter, the Berne Convention) and Agreement on Trade related aspects of Intellectual Property Rights (hereinafter, TRIPS) advocate for the protection of the rights of copyright holders effectively and uniformly. All the member nations party to legendary international treaties have agreed to bring uniformity in their domestic legislation in compliance with international standards. However, since copyright law is territorial, domestic legislation will prevail within a country. Accordingly, the substantive provisions may differ between nations; few principles are globally accepted in the context of copyright protection such as the requirement of “originality” and “protection of work without any pre-condition such as registration” and some may differ in terms of length of duration of protection, transfer of ownership, scope and extent of limitations and so on. However, the minimum bare standards to ensure meaningful implementation of the principle of reciprocity, and the principle of national treatment must be adhered to ensure effective copyright enforcement across jurisdictions.

Distinctive Features of Originality within Copyright Law on Cinematographic Films

Originality is the sine quo non for copyright protection. Concerning copyrightable subject matter there are two approaches, one, nations with an enumerated list of works that should have an element of originality beyond which protection is not offered, whereas, two, any work apart from being listed if qualifies the requirement of originality is protected under the copyright law.

The German law lists what all are protected as copyrightable but does not give an exhaustive list, nor it defines any of those listed terms.¹ Similarly, the US Copyright gives an inclusive list under the heading “Subject matter of copyright. In General” in section 201 of the CA 1976. Whereas Indian law defines the meaning of “work” as well as list them specifically i.e. what all can be copyrighted.² In addition, it also states under section 16 of the CA 1957 that “No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act”

The consequence of such explanation is that in determining whether a work qualifies as copyright, the courts or authorities look at under which category

of the listed work the work falls. While applying for registration as well, the applicant has to choose a specific kind of work. In German law, the only test applied is whether the work is sufficiently original. Since copyright registration is not mandatory, most of the interpretation of the term originality comes from the courts.

Many scholars and judges refer to originality as Sine Qua non of copyright. However, there is no uniform standard of originality across the member states. Generally, the requirement of originality varies depending upon the nature of the work. For example, it is easy to decipher the original elements in a literary, musical, artistic work and sound recording whereas it might be difficult in the case of a dramatic and cinematograph film due to the reason that a dramatic and a cinematographic work expression is quite different and includes numerous other elements that make up the entire work. The classic explanation of originality requires that the “work must not be copied from another; it should originate from the author” which reflects the natural rights perspective i.e. the work should reflect the personality of the author. Whereas looking from a utilitarian perspective, it could mean a higher level of creativity that serves a purpose, hence petty works involving only labor but no skill will not attract strong copyright protection.

Contours of Originality

The idea-expression dichotomy is one way to identify the original elements in a given work that excludes the ideas from protection. This is to ensure that the public is not unnecessarily restricted from creating work based on the same idea and does not undermine the free use of functional ideas. However, even the demarcation between the idea and expression is sometimes blur, for example, the novel ideas presented in a form of concept note/formats are protected as original work in some jurisdictions including India. In addition, the Indian judiciary has extended the protection not only to the expression but also to the essence of the film or the message that is conveyed through the story as in the case of *Shamoil Ahmad Khan v Falguni Shah* (hereinafter, the Shamoil case). The court employed the unconventional test of ‘Abstraction-Filtration-Comparison’ (AFC) to identify elements copyrightable.³ The Bombay High Court judgement appears to be contrary to the landmark case of *R.G. Anand v Deluxe Films*, wherein the apex court held

that a theme, storyline, plot and facts of historical importance should remain in the public domain.⁴

The statute clearly outlines the requirement of originality; however, its scope and ambit are left to the courts to determine. Consequently, several divergent views and tests have been propounded by courts across the globe. The oldest test comes from the UK courts i.e. “the sweat of the brow” (*Walter v Lane case*) which required whether sufficient time and labour have been extended in producing the work.⁵ It essentially required that the work should not be copied from someone else. The application of the originality test, however, has been marked by inconsistency. In certain instances, works have been afforded protection where the exercise of skill is present, even if the overall contribution is minimal. Conversely, where a work involves extensive labour but lacks the requisite degree of skill or judgment, protection has been denied. Notwithstanding these inconsistencies, the threshold of originality under UK copyright law has traditionally remained relatively low. Earlier judicial interpretations maintained that a work need not be novel, useful, utilitarian, or possess any intrinsic value to qualify for protection; even works devoid of practical or aesthetic merit could attract copyright. Such an approach, while expansive, appears insufficiently aligned with the objective of fostering creativity and instead reflects a rather mechanistic and uncritical understanding of copyright protection.

This test was initially adopted in India; however, over time, Indian courts shifted towards the United States standard of originality, namely the requirement of “a modicum of creativity,” as articulated in *Feist Publications, Inc. v Rural Telephone Service Co.* This standard comprises two essential elements: first, that the work must originate from independent creation, and second, that it must exhibit at least a minimal degree of creativity.⁶ However, the courts have not clearly delineated the contours or limits of what constitutes “creativity.”

A central difficulty with these tests lies in their uneven application across different categories of works. Most originality standards have emerged from cases concerning compilations of data or derivative works, rather than from a comprehensive examination of all forms of copyrightable subject matter. Notably, Bently, in his scholarly analysis, identifies multiple categories of works, including those founded on mere labour, those reflecting creativity, works based predominantly on skill, and works involving a

combination of substantial skill with minimal labour, among others. This typology underscores the complexity of applying a uniform originality test across diverse forms of creative expression.⁷ In the context of cinematographic films, no distinct or specialized test of originality has been articulated. Nevertheless, the creation of such works inherently involves the exercise of skill and judgment, coupled with the substantial labour of multiple contributors.

Turning to the European Union standard of originality, a work is required to constitute the “author’s own intellectual creation.” This formulation is likewise reflected in the Act on Copyright and Related Rights, 1965 (Urheberrechtsgesetz—UrhG) (hereinafter referred to as the German Copyright Law), which stands as a classic example of legislative harmonisation in conformity with the Berne Convention.⁸ The Berne Convention employs the same terminology under Article 2(5). The intellectual creation was very well differentiated from skill and labour in the *Football Dataco Ltd and Others v Yahoo! UK Ltd and Others*, wherein it was stated that the amount of skill and labour is not required and the sole criterion is to see whether “the author expresses his creative element originally by making free and creative choices”.⁹ In numerous cases it was stated that it is irrelevant to look at the labour or skill solely, what is to be assessed is the degree of originality, which to some extent gives clarity that originality is not to be found only in skill and labour. It is to be found in the creative element of work. On the other hand, the German Federal Court has also repeatedly held that the courts ought not to evaluate the artistic or aesthetic value of a work to decide its eligibility for copyright protection. The work with little creativity may also qualify for copyright protection.

The German standard is generally higher than the UK standard but lower than the US standard of Modicum of creativity. Since the landmark judgement of the CJEU in the *Infopaq International A/S v Danske Dagblades Forening*, the standard of originality has been harmonized in the EU to some extent that of “author’s own intellectual creation.”¹⁰ Earlier EU legislature had only harmonized the standard for computer programs, databases and photographs, which was held to be the standard under the InfoSoc Directive. The EU standard requires the author to have a free and creative element and that the work should have a personal touch.¹¹

Beyond the guidance provided by these decisions, Member States retain discretion in determining the

requisite level of originality. The threshold of originality consequently varies across different categories of works. For instance, in works of art, music, and literary expression, a relatively low degree of creativity may suffice, even where the overall level of originality is modest. By contrast, certain categories of works—such as works of applied art—are generally subject to a comparatively higher originality threshold. Purely functional works, including instructional manuals, are typically assessed against an even more demanding standard of creativity.

Determining Infringement: The Nature and Manner of Copying

Compared to other forms of intellectual property, copyright protection is relatively easy to obtain. However, judicial scrutiny of originality in the event of a dispute dispels the assumption that all creations are automatically copyrightable. The widespread belief that anything created is protected under copyright law is therefore misplaced; in practice, it is the enforcement stage where originality is rigorously assessed that determines the scope and validity of protection. The cases examined in the Indian context demonstrate a significant evolution in jurisprudence, reflecting a shift from the “substantial similarity” approach towards the “extraction” test. Earlier, the focus was primarily on identifying similarities or dissimilarities between the works; however, this approach allowed infringers to evade liability by introducing merely superficial alterations. Therefore, other factors become important such as “whether the infringer had access to the content of the copyright holder?” This reveals the intention of the infringer, though the intention is not a pre-requisite in a copyright infringement case, it nonetheless proves the fact of similarity between two works.¹² In addition, third-party testimony is also a relevant fact, but not treated as a very strong argument.

The judgement of *the Shamol case* reveals that a novel idea expressed in a film can be strongly protected. The essence of a film or the message conveyed if copied can be considered as copyright infringement. However, this judgement can only be applied in cases where the work is highly original.

It is apt to say that a broader understanding of the concept of originality can be laid down but no objectivity can be brought to the concept of originality and its applicability in a cinematographic film. A single work may consist of several unoriginal

and original elements. The degree of copyright protection accorded to individual elements of a work is not uniform; it varies according to the nature of the element and the manner of its expression. Consequently, where it is demonstrable that two works differ materially in their treatment of the underlying idea and in the projection of scenes, a finding of copyright infringement cannot be sustained. Divergent judicial conclusions in such cases often stem from the subjective manner in which similarities are perceived by the viewer. This is evident from the contrasting outcomes in *Block case*, where the plaintiff’s script “Once” was held to be sufficiently distinct from the defendants’ film “Dhoom 3”, and in *Yash Raj Films Pvt. Ltd. v Sri Sai Ganesh Productions & Ors.* (hereinafter, *Yash Raj case*), where the plaintiff’s film “Band Baja Baraat” was found to be substantially similar to the defendants’ film “Jabardasth”. These differing assessments ultimately reflect the inherently subjective nature of evaluating substantial similarity in copyright disputes.¹³

The inquiry in copyright infringement is not confined to whether the defendant has copied the plaintiff’s work in a general sense. Rather, the determinative question is what has been copied and in what form it has been presented. This involves examining whether the defendant’s work is identical or substantially similar not merely through scene-to-scene replication, but also in terms of appropriating the core expression and the substance of the message conveyed through the original work’s novel elements. An analysis of what has been taken thus enables the court to distinguish between the copying of original, protectable expression and the use of unoriginal elements or ideas that fall outside the scope of copyright protection.

Further, it is undoubted that the objective of Copyright Law is to protect the rights of the authors and owners but such rights are not absolute, the intention of the legislature was never to be overprotective of the rights and consequently, law consists of several exceptions and limitations. However, striking a balance between the different categories of right holders and between the different categories of right holders and the users is a challenging task. Since every case is pristine, applying the same law to every new situation is a troublesome task.

The US judicial analysis also revealed that the assessment of originality in a cinematograph film is

difficult. On one hand, the US judiciary in *the Metro-Goldwyn-Mayer v American Honda Motor Co.* stated that the character of James Bond was copied in essence.¹⁴ On the other hand, the court failed to declare that the “Avatar” movie copied a lot of elements from William Roger’s work, the essence of the landscape of the movie “Avatar” was based on William Roger’s work.¹⁵ The different decision is perhaps the reason for subjectivity that is involved in the assessment. Such subjectivity brings diverse decisions and unequal treatment of different work. Similarly, in the US, the determination of substantial similarity renders third-party opinions—and even expert testimony—irrelevant.”¹⁶

Examination of various tests reveals that the criteria such as creativity, artistic quality, aesthetics, the purpose of the work are not to be considered while making judgements about a work’s ability to copyright protection. It does not matter whether the work has any value, merit or worth. However, in the context of a cinematograph work, a practical assessment of the level of creativity reveals the level of originality in a given work and therefore, helps in deciding whether the copyright should be enforced against the infringer or not. A judge cannot be devoid of artistic sense, however, the artistic parameter should not be applied in a purely evaluative manner, nonetheless, the qualitative or aesthetic criteria may play some role in determining whether a work attracts copyright. However, since intellectual property law is territorial and some discrepancies will always be there. Due to the diverse practice of courts, it is difficult to conclude what shall be the level of creativity and whether such requirement is a subjective or an objective one.

Authorship and Rights in a Cinematograph Film

A bird’s-eye view of the filmmaking industry reveals its multidimensional nature, encompassing financing, production, distribution, and exhibition. This industrial framework provides the backdrop against which legal questions relating to authorship, ownership, and the allocation of rights must be understood. The historical evolution of cinema and the development of copyright law as it applies to films have followed distinct trajectories across jurisdictions. In contrast to European legal systems, which place greater emphasis on individual creative contributions and author-centric rights, the United States copyright regime has traditionally prioritized the protection of the production entity. Notably, U.S. copyright law

permits the assignment of the entire bundle of rights without significant restriction, unlike certain European systems and, to a more limited extent, the Indian copyright framework, which impose constraints in recognition of authors’ interests.

The US Copyright law, as well as the German Copyright law starkly, differs from Indian law from the point of view of “authorship and ownership of a film.” The German, as well as the US Copyright law, does not specifically state that “producer is the author of the film” However, the US case laws have in numerous cases established the authorship of producer in a film on the basis that, authorship is not just about creativity but the control that one exercise and the responsibility that one undertakes.¹⁷ The Berne Convention leaves it to the member states to identify the owner of the copyright of cinematograph films but specifically allows the member states to deny certain exploitative rights to the principal director.¹⁸ Hence, the reason that many countries have not accorded any rights to directors including India and the US.

German copyright law does not address the question of authorship of an entire film, as its jurisprudence is clear that copyright protects the author’s own intellectual creation. In the case of a cinematograph film, the producer’s role is viewed as primarily technical rather than creative. Hence, German law does not recognize a producer as an author. By defining the producer as an author, Indian copyright statutes challenge the established nexus between creativity and authorship. Since copyright law is intended to protect original expression, financial investment alone constitutes an insufficient basis for granting authorship rights. Moreover, the attempt to vest authorship in a single individual ignores the composite nature of cinema. As filmmaking relies on the substantial contributions of various creators, the concept of a singular author is functionally obsolete and fails to reflect the reality of the creative process.

Furthermore, the classification of the producer as an author creates a statutory paradox regarding the usage of underlying works. If the producer were truly the primary creator, the legal imperative to secure contractual assignments or consent from the authors of the underlying components—such as the script or screenplay—for subsequent exploitation would be redundant. Consequently, the producer’s role is more accurately characterized as that of a copyright owner rather than an author, a distinction that aligns with the

'neighboring rights' framework observed in jurisdictions such as Germany. The German Copyright law grants producers the neighbouring right to exploit the film for 50 years only.¹⁹ Further, the German law protects the film for the duration of the life of the author plus 70 years of the last surviving author including the principal director, writer of the screenplay, dialogues and musical composer.²⁰ However, in Germany too, there is a major concern of 'buy-out' clauses wherein the producer buy all rights from the author, which is anti of the German Copyright law objective.

This divergence in authorship definitions creates significant enforcement challenges under private international law. Pursuant to the principle of *lex protectionis*, the scope of protection is governed by the law of the jurisdiction where enforcement is sought, rather than the country of origin. Consequently, when protection is claimed within India, domestic statutes determine ownership, effectively superseding the authorship regime of the work's source jurisdiction.

Notably, the United States' 'work made for hire' doctrine finds no equivalent in German copyright law. In Germany, the author's right (*Urheberrecht*) is considered personal and inalienable; it cannot be fully assigned, only licensed to third parties. This approach underscores a legislative commitment to protecting the author's rights substantively, rather than merely procedurally. In contrast, Indian law diverges from this author-centric model by recognizing both 'commissioned works' and 'contracts of service.' Under these provisions, copyright ownership statutorily vests in the employer or the commissioner, rather than the actual creator. In the context of a cinematograph film, the producer enters into such contracts with the authors and gets the ownership of such work unless there is a contract to the contrary as per Section 17 of the CA 1957; however, the proviso to the same section states "that nothing shall affect the rights of the authors of underlying work."

The statutory implication of this proviso suggests that authors retain the right to exploit their underlying works independently of the cinematograph film. Theoretically, this would permit a scriptwriter to license their script to third parties, or a composer to reuse a musical composition in subsequent productions, without the producer's consent. While a strict reading of the proviso supports this interpretation, significant practical barriers remain. Commercial stakeholders, particularly producers and

music labels holding publishing rights, are likely to contest such independent exploitation. Furthermore, the law remains ambiguous regarding the extent to which producers can contractually secure total assignment of these rights, thereby overriding the author's residual claims. Further ambiguity arises from the proviso to Section 18 of the Copyright Act, 1957. This provision expressly renders void any assignment or waiver of the right to receive royalties for the utilization of literary or musical works, except when the work is exhibited as part of a cinematograph film in a cinema hall. Crucially, the statute mandates that such rights can only be assigned to the author's legal heirs or to a registered copyright society. This restriction creates a significant legal paradox regarding the operations of entities like Phonographic Performance Limited (PPL) or other non-registered organizations. If assignment is strictly limited to copyright societies, the legal basis for these companies to collect royalties on behalf of authors is questionable. Consequently, a cumulative reading of these provisions reveals a lack of clarity regarding the precise scope and enforceability of authors' rights.

As far as economic rights are concerned, the Indian Copyright law treats cinematograph film differently from other works as far as the scope of rights is concerned. Whereas the German, as well as the US law, firstly lists out the rights, which are evenly applicable on all kinds of work and then supplements provisions specifically related to work, if needed. The allocation of economic rights under Indian copyright law is fraught with ambiguity, particularly due to the absence of statutory definitions for critical terms such as 'reproduction,' 'publication,' 'distribution etc.' This lack of terminological precision complicates enforcement, standing in sharp contrast to the clearly codified frameworks of German and US copyright law. A notable lacuna exists regarding cinematograph films: Section 14 explicitly enumerates rights for producers but omits a specific 'right to reproduction.' This statutory oversight has frequently been exploited in litigation, allowing infringers to argue that producers lack the exclusive legal standing to control the reproduction of their own films.

The practice of exploitation of film involves reproduction (synchronisation of the film), distribution (exhibition), public performance (showing in cinemas), communication to the public by wire (cable communication), broadcasting and other public communication. The rights of the producers enumerated in the Indian Copyright law

seems incomplete, it only states the right to make copies, right to rental or offers for sale, right to communicate which is so not at par with the changing time and the approach of the other jurisdictions. Similarly, the law is not clear on the rights of the authors of the underlying works.

While copyright societies provide a functional mechanism for administering public performance rights, their scope regarding other economic rights remains ambiguous. The current framework ensures authors receive royalties for performance, but it lacks a parallel infrastructure for other modes of exploitation, such as non-theatrical distribution, cable retransmission, merchandising, and rental rights. The statute is conspicuously silent on the procedural machinery required to enforce royalty sharing when a film is utilized outside of a cinema hall. Consequently, without a designated collection mechanism for these specific categories, it is unclear how the law guarantees that authors actually receive their statutory dues for such exploitations.

The concept of moral rights (*droit moral*) presents a significant point of divergence, stemming from foundational philosophical differences. United States copyright law is primarily utilitarian, grounded in the incentive theory to encourage economic investment. In contrast, European Union and Indian jurisdictions adhere closer to the 'natural rights' tradition, which prioritizes the personality and integrity of the artist. Consequently, while Indian and German laws extend moral rights protections even beyond the expiration of economic rights, the US generally does not recognize moral rights for film creators. This exclusion is a direct consequence of the US doctrine of authorship—specifically the 'work made for hire' framework—which often attributes statutory authorship to corporate entities rather than individual creators.

The German Copyright Law provides three different moral rights including the Right of publication, Recognition of authorship and right against distortion of the work. Indian Copyright Law provides moral rights to all authors irrespective of the kind of work created. It provides a claim to authorship and the rights against mutilation, distortion, destruction, modification or any other act which would be prejudicial to his honour or reputation. The German law also qualifies the right against distortion in a similar but in wider approach. It states that distortion of the work which is capable of prejudicing his legitimate intellectual or personal interests in the

work would be considered as violative of moral rights.

Essentially, it can be stated that Indian and German law is in agreement that copyright law should protect the author's interest. However, there are different approaches followed by these jurisdictions as far as protection of economic and moral rights are concerned. Particularly concerning moral rights, India, the US and Germany follow a different approach. The German system regards moral rights as the heart and soul of copyright law. For them, moral rights symbolize the author-oriented approach. On the other hand, US Copyright law recognizes no moral rights *per se* but offers protection through different laws including the right to privacy, trademark law etc.

Moral rights enable the artist to claim authorship in their work and object to any derogatory treatment. The moral rights are a part of the Berne Convention of which India, the US and Germany all are signatories. However, the US has not fully implemented the provision of moral rights. The filmmakers in the US do not enjoy moral rights, whereas Indian and German law provides moral rights to the authors of the work. German law provides moral rights to directors as well unlike Indian law, which does not recognize the rights of directors.

In India, producers are considered to be the author as well as the owner of the film. It is the producer who invests in the making of the film but the creativity that goes into the making of the film is contributed by the scriptwriter, music composer, lyricists, directors etc. Hence, the producer may not be a party whose moral rights could be easily infringed rather it is the underlying authors whose moral rights care a common cause of concern not only in India but across the globe.

The Indian Copyright law is modelled as per the United Kingdom Copyright law. Initially, UK Copyright law did not protect the rights of directors and so did the Indian Copyright law. But later on the Copyright, Designs and Patent Act, 1988 (UK) granted copyrights to the Directors and considered them as joint owners of the work. However, India did not make any amendment to recognize Directors as an author in an element of a film.

The US Copyright law does not grant any moral rights to film owners or authors. No right to integrity, unless the author retains an interest or contractually requires the legal owner of the copyright to maintain the work in its original form. The use of contracts can

provide extensive protection; however, creators often do not have the bargaining power to negotiate these contractual provisions. Additionally, even when integrity rights are contractually retained by the creator, they are often limited to alterations, distortions or modifications contemplated at the time of transfer.

Further, there is an interesting provision in the US and German law and that is another significant point of difference. Both the Copyright law provides a "termination clause" This provision gives an option to the authors to terminate or renegotiate the contractual arrangement within 5 years after the 35 years have elapsed. This serves as a greater tool to review the contractual arrangement in case the author feels discontented. The EU Digital single market Directive as well under Article 20 requires the member states to ensure that the authors can claim "additional, appropriate and fair remuneration" when the remuneration originally decided turns out to be disproportionately low" On the other hand, India Copyright law does not include any such "termination grant provision" on the contrary it provides only one safeguard by stating that the authors cannot assign their right to receive royalty under Section 18. However, this does not effectively address the issue of the exploitation of authors.

Conclusion

The evolution of cinematic jurisprudence across India, the United States, and Germany reveals a profound ideological spectrum, ranging from economic utilitarianism to art. This comparative analysis demonstrates that while all three jurisdictions recognize the film as a protectable work, the legal DNA of their approaches—rooted in the foundational concepts of originality, authorship, and ownership—remains distinct.

In the United States, the approach is tilted toward commercial. The "Work Made for Hire" doctrine effectively severs the link between the human creator and the work, prioritizing the entity that bears the financial risk. Here, the producer is often the "author" by legal fiction, facilitating a seamless, transaction-based market where ownership is fully transferable and rights are easily consolidated for global exploitation. Conversely, Germany serves as the standard-bearer for *Urheberrecht* (Author's Rights). By rejecting the total transfer of ownership and maintaining that a "legal person" can never be an author, German law ensures that the director and key creators retain an inalienable connection to their work. This prevents the commodification of the creator's personality, ensuring that even in a

commercial medium like film, the author's moral and economic interests are never fully extinguished.

India occupies a unique middle ground, attempting a delicate "legislative tightrope walk." While the Indian Copyright Act leans toward the common law tradition of vesting initial ownership in the producer, recent amendments and judicial shifts indicate a growing sensitivity toward the rights of individual creators (such as lyricists and composers). India's hybrid model seeks to facilitate the industrial efficiency required by the world's most prolific film industry while increasingly acknowledging that the "balance of power" must not tilt too far against the individual artist. Ultimately, as film production becomes increasingly globalized and AI-driven, these jurisdictional differences will continue to challenge the international harmonization of copyright law, requiring a renewed focus on whether the law should prioritize the person who dreamt the film or the entity that funded it.

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