

Copyright Registration Guide for Startups (India)

Step-by-step guide to registering copyright in software, content and creative works

HOW TO USE THIS TEMPLATE

- | | |
|----|---|
| 1. | This document: Copyright Registration Guide for Startups (India). |
| 2. | Complete all bracketed fields before use. Review annually. |
| 3. | Template only — not a substitute for qualified legal advice. |

1. COPYRIGHT LAW FOUNDATIONS

1.1 Automatic Protection. Copyright in India arises automatically on creation of an original work — registration at the Copyright Office is NOT required for the copyright to exist or be enforceable. However, registration creates a public record, constitutes prima facie evidence of ownership in court, and is highly valuable for enforcement and investor due diligence.

1.2 What Is Protected. Original literary works (source code, databases, articles, documentation, training materials); artistic works (logos, illustrations, photographs, UI/UX designs); dramatic works; musical works; sound recordings; cinematograph films; and broadcasts. Copyright protects the expression of ideas — not the underlying ideas themselves.

1.3 Term of Protection. Most works: author's lifetime plus 60 years. Computer programmes are literary works — life plus 60 years. Anonymous/government works: 60 years from publication. Photographs: 60 years from publication.

1.4 Ownership — The Critical Issue. Works created by employees in the course of employment belong to the employer as first owner under Section 17. Works by independent contractors belong to the contractor unless a written assignment exists. This makes contractor copyright assignment the most important copyright compliance task for most startups.

2. REGISTRATION PROCESS — STEP BY STEP

Step 1: Create account at copyright.gov.in using Aadhaar or PAN for identity verification.

Step 2: Select Form XIV for original works by Indian authors. Provide: title, category (literary/artistic/musical/dramatic/sound recording/film), year of first publication, author details, and owner details.

Step 3 — Documents: Identity proof; for software — first 25 and last 25 pages of source code (middle pages may be blanked to protect trade secrets); for artistic works — high-resolution image; for published works — proof of publication.

Step 4 — Fee payment: Rs. 500 for literary, artistic, dramatic, and musical works. Rs. 2,000 for cinematograph films. Rs. 500 for sound recordings. Pay online at the portal.

Step 5: Mandatory 30-day waiting period after submission for objections. If no objection, registration proceeds automatically.

Step 6: Copyright Registration Certificate (CRN) issued within 1–3 months for literary and artistic works.

3. SOFTWARE COPYRIGHT — SPECIAL GUIDANCE

3.1 Partial Disclosure. For source code, submit only the first 25 and last 25 pages with the middle section blocked. This is widely accepted by the Copyright Office and protects trade secret value while establishing the registration record.

3.2 Version Strategy. Register each major version release (v1.0, v2.0) as a new copyrightable work. This builds a documented portfolio and ensures protection for significant updates.

3.3 International Protection. Under the Berne Convention (179+ member countries), a single Indian copyright registration is automatically recognised globally. No separate registration is required in the USA, UK, EU, or other Berne countries.

3.4 US Copyright Registration. While not required, a US copyright registration gives additional procedural benefits for US infringement suits (statutory damages, attorney's fees). For software companies with significant US business, consider simultaneous US registration (copyright.gov — USD 65).

4. WHAT TO REGISTER AND WHEN

Priority 1 — Register immediately: Primary software platform (each major version); company logo and core brand identity; proprietary datasets with commercial value.

Priority 2 — Register annually: Updated software versions; training and onboarding materials; key marketing campaign assets; updated website design system.

Budget guidance: At Rs. 500 per work, registering 20 works per year costs Rs. 10,000 in official fees. Optional attorney assistance: Rs. 5,000–15,000 per application. Annual copyright budget for a mid-stage startup: Rs. 50,000–2,00,000.

Copyright register: Maintain a register listing: work title, type, creation date, registration date, CRN number, creator name, and assignment status. This is a key due diligence document for investors and acquirers.

IMPORTANT NOTE

This is a working template for Copyright Registration Guide for Startups (India). Verify all requirements with a qualified IP advocate before use. Indian IP law evolves — confirm current requirements.

ADVANCED TOPICS IN COPYRIGHT REGISTRATION AND STRATEGY

INTERNATIONAL COPYRIGHT PROTECTION AND BERNE CONVENTION

Automatic Global Protection. Under the Berne Convention for the Protection of Literary and Artistic Works (to which India has been a signatory since 1928), a copyright created in India is automatically protected in all 179+ Berne member countries without any additional registration. This means your Indian copyright registration simultaneously gives you rights in the USA, UK, EU, Australia, Japan, China, and all other major economies — at no additional cost.

USA — Additional Benefits of US Registration. While a US copyright registration is not required for protection (Berne applies), US registration confers significant procedural advantages for enforcement: eligibility for statutory damages of USD 750–150,000 per work infringed (compared to only provable actual damages without registration); eligibility for attorney's fees awards; and the ability to file suit in federal court without additional proof of ownership. Indian startups with significant US business — especially SaaS companies, content businesses, and agencies — should consider simultaneous Indian and US copyright registrations for key works.

Copyright Office Resources. India's Copyright Office is accessible online at copyright.gov.in. The Copyright Rules 2013 govern the registration process. The Copyright Office also handles: recording of assignments and licences; registration of copyright societies; and issuing certified copies of registration certificates for use in legal proceedings.

Database and Compilation Protection. Original databases and data compilations are protected as literary works under the Copyright Act 1957 — provided they involve originality in the selection, arrangement, or presentation of the data. This is particularly relevant for startups that have compiled proprietary datasets through research, user data collection, or editorial curation. Note: data protection under copyright requires originality in compilation — raw data facts themselves are not protected.

RESPONDING TO COPYRIGHT INFRINGEMENT — ESCALATION LADDER

Step 1 — Platform Takedown (Fastest, Cheapest). For online infringement: send a formal DMCA-style notice to the hosting platform (GitHub, YouTube, Facebook, Instagram, website hosting provider). Under the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, Indian intermediaries must acknowledge within 24 hours and resolve within 15 days for grievous content. The notice must: identify the infringing content; identify the original work; confirm your ownership; and demand immediate removal.

Step 2 — Cease and Desist Letter. Send a formal notice to the infringer demanding: immediate cessation of all infringing activity; removal of all infringing copies; provision of a written undertaking not to infringe further; disclosure of the extent of infringement; and payment of damages or account of profits. Give 14 days to respond.

Step 3 — Civil Suit. File a copyright infringement suit in the District Court or High Court. The suit should include an application for interim injunction (to stop infringement immediately pending trial) alongside the main plaint. Indian courts typically hear interim injunction applications within days to weeks for urgent copyright matters.

Step 4 — Criminal Complaint. Section 63 of the Copyright Act 1957 makes copyright infringement a cognisable criminal offence: imprisonment from 6 months to 3 years and fine from Rs. 50,000 to Rs. 2,00,000 for the first offence; enhanced punishment (minimum 1 year, minimum fine Rs. 1,00,000) for repeat offences. File an FIR at the local police station (Cyber Crime Wing). Criminal enforcement is most appropriate for large-scale commercial piracy operations.

Software Copyright in M&A; Transactions. In any acquisition or investment process, copyright in software is thoroughly scrutinised. Prepare: a software copyright register listing all registered and unregistered copyright in Company software; evidence of authorship and assignment for all software components; OSBOM confirming no unauthorised third-party copyright; and confirmation that all contractor assignments are in place. A software copyright gap discovered during M&A; due diligence can reduce valuation or kill a deal.

COPYRIGHT IN THE DIGITAL AGE — PLATFORMS, AI, AND DATA

Social Media and UGC Platform Copyright. Content uploaded to social media platforms is subject to the platform's terms of service, which typically include a broad licence from the user to the platform. For Company content: (a) retain all original source files and creation records as evidence of ownership; (b) include a copyright notice on all significant commercial content ('© [Year] [Company Name]. All rights reserved.');

(c) use each platform's copyright claim tools when others use your content without permission; and (d) register key creative works before publishing to establish a clear ownership record.

AI-Generated Content and Copyright. The Copyright Act 1957 requires a human author for copyright to subsist — purely AI-generated works (with no human authorship) are currently not protected by copyright in India. Content generated by AI with significant human creative input and curation may qualify for copyright protection. For practical risk management: (a) do not rely solely on AI-generated content for commercially critical materials without adding substantial human creative contribution; (b) document the human creative process in AI-assisted work; and (c) check the AI tool's terms — some grant the user ownership of outputs, others do not.

User-Generated Content (UGC) Ownership. When users create content on the Company's platform (reviews, photos, posts, product contributions), the Company needs a licence to use that content. Ensure your Terms of Service include: a broad licence from users to the Company to use, display, reproduce, and create derivative works from user-submitted content; clarity on whether the user retains ownership or assigns it; and data protection compliance under the DPDP Act 2023 for any personal data in user content.

Copyright Notice and Marking. While not required for protection under the Berne Convention, a copyright notice (© [Year] [Company Name]) on all commercial works: deters copying; defeats the 'innocent infringer' defence (which can reduce damages in civil proceedings); makes it clear to third parties that the work is protected; and facilitates identification of the copyright owner for licensing enquiries. Apply copyright notices to: software UIs, splash screens, and documentation; all marketing materials; websites; and published content.

Open Source and Creative Commons Licensing. If the Company chooses to release any of its copyright works under an open-source or Creative Commons licence: this decision is irreversible — once published under a permissive licence, the work cannot be recalled; the licence choice must be made deliberately and approved by the IP Manager; and the licence terms must be carefully communicated to users. Creative Commons licences are appropriate for educational content, documentation, and content intended to build community; they are not appropriate for core commercial IP.

Annual Copyright Audit. Conduct annually: (a) audit all creative work created by contractors — confirm copyright assignments are on file; (b) review all inbound content licences — confirm they are current and commercial use is covered; (c) check all stock image, font, and media subscriptions — confirm commercial use tiers are active; (d) identify new works qualifying for registration; and (e) update the copyright register. Budget Rs. 50,000–2,00,000 annually for copyright management.