

Copyrights and its International Perspective: Swayam Prabha and its Broadcasting Rights

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Abstract

Granting exclusive usage rights to the owner through the promotion of creative endeavors is the primary objective of copyright. The Berne Convention of 1886 is identified to be the 1st multilateral convention that provided guidelines on the control of works of copyrights with certain terms and conditions. The main focus of this study is the development of the copyright concept related to SWAYAM Prabha (Study Webs of Active-Learning for Young Aspirants). This study attempts to emphasize the significance of SWAYAM on a national level as well as the extent to which its contents—images, videos, lectures, and so on— are protected internationally. The Ministry of Education's endeavors are emphasized, recognizing its initiative in ensuring that the contents are accessible to students, professionals, and researchers. The significance of the Indian communication satellite GSAT 15, which offers DTH and VSAT services, is also highlighted in this study. The theoretical content of SWAYAM at school, undergraduate and postgraduate levels, must be brought under the purview of protection against copyright violations. This paper throws light on the role of INFLIBNET (Information Library Network), the actual copyright holder of SWAYAM. The contents contributed by NPTEL, IITs, UGC, IGNOU, CEC, NIOS, NCERT, IIMB, and INI are usually broadcast through Doordarshan a public television broadcaster owned by the Ministry of Information. This study aims to comprehend the actions that constitute copyright infringement and the accompanying remedies to prevent users from using SWAYAM content in an unethical manner.

Keywords: Swayam prabha, broadcasting rights, reproduction rights, shodh ganga, sodh sindhu, vidwan, vidyamidra, shodh chakra, sodh sudhi, sodh gangotri

1. Introduction

The owner of a creative work is guaranteed intellectual property rights, such as copyright. The goal of granting copyright is to give exclusive rights that recognize the author's creative labor. It can be applied to a variety of works, including sound recordings, literary, artistic, theatrical, and cinematographic works. In India, the Copyrights Act, 1957, provides protection for copyright. To ensure that an author has the exclusive right to use his work for sixty years—generally beginning after the author's death—copyright must be safeguarded against infringement.

The Copyrights Act guarantees the broadcasting right, which is the ability to transmit sound and images for public comment. The owner grants the broadcasting organization permission to transmit on radio or

television. Typically, this is accomplished by offering broadcasters licenses so they may transmit content without violating the actual owner's rights. The content's broadcasting rights are valid for 25 years after the date of transmission. Typically, these permits are renewable. The process of creating duplicates of the original work by fixation is referred to as reproduction. It is important to remember that while reproduction of broadcasting rights is permitted as long as it does not violate anyone's rights, broadcasting rights must be safeguarded. The licensing agreement between the actual owner and broadcaster plays a vital role in determining their rights and liabilities.

The SWAYAM (Study Webs of Active Learning for Young Aspirants Minds) was initiated and developed by the Ministry of Education through NPTEL (National Program on Technology Enhanced Learning), IIT Madras, and with the help of Google Inc. and Persistent Systems Ltd., The SWAYAM has been successful in providing theoretical content on various subjects from class 9th to post-graduate. The three cardinal principles of Swayam are identified to be right to use, fairness, and eminence. The ultimate aim recognized is to provide learning resources to all sections of society, especially for economically and socially backward classes. The Government of India has attempted to create a platform for providing course material from schooling to post-graduation level. The predominant characteristic of this platform is providing the resources free of cost.

Swayam's content is aired on Doordharshan's channel, which is acknowledged as an independent public service broadcaster. Doordharshan and All India Radio have been granted the broadcasting rights by the little-known Prasar Bharathi Act, which created the broadcasting corporation Prasar Bharati. As a result, Doordharshan is essential in creating a connection between Swayam and broadcasting rights on a national and worldwide scale. The term "commercial purpose" is typically associated with broadcasting; however, as Swayam Prabha content's sole goal is to provide students with access to subject matter through cutting-edge communication technologies, it is devoid of any commercial purpose.

2. Copyrights from an International Perspective

There are a number of treaties that are regarded as one of the main sources of international law, but there are no universal or worldwide statutes for copyright, particularly with regard to broadcasting rights, dating back to the British colonial era. To safeguard writers' and owners' rights around the globe, an international viewpoint is essential. Internationally registered copyright becomes the nation's identity.

3. International Treaties

There are various conventions that have contributed to the protection of Intellectual property Rights whereas certain conventions have especially contributed to the protection of broadcasting rights. They are as follows:

1. Berne Convention of literary and artistic works 1886:
2. The Rome Convention on Neighboring Rights 1961 was drafted on October 26, 1961, and it became operative on May 18, 1964. A prerequisite for joining the Rome Convention is that one should have already joined the Universal Copyrights Convention or the Berne Convention. The first country to join the Rome Convention was India. This treaty was specifically started to safeguard the rights of broadcasters, phonogram manufacturers, and artists.

3. Brussels Convention on signals transmitted through Satellite 1974: This convention is intended to enable the broadcaster to control the signals, thereby transmitting signals only to the intended users.
4. Universal Copyrights Convention 1952: This convention was adopted on 6th Sep. 1952 and was subsequently revised on 2nd July 1971. But it actually came into force on 10th July 1974¹. Countries like America, Russia, and China did not participate in the Berne Convention. Thus UCC was adopted to include these countries and it is considered to be an alternative to the Berne Convention.
5. WIPO broadcasting treaty: This is aimed at determining the elements or factors that need protection and the procedure involved. This helped in understanding the relationship between the parent rights and the rights associated with it.

4. Media and its Correlated Rights:

The organization involved in the act of broadcasting owns the exclusive rights to prevent the following act from being done without the prior consent of the owner:

- (i) The fixation: A work must be transformed into a physical form in order to be eligible for protection under the IPR. This is known as the doctrine of fixation. To send a video through communication technology, for instance, any notes made on the whiteboard must be videotaped. To put it plainly, fixations refers to the act of storing the data in physical form prior to submitting a copyright application. Both published and unpublished writings are subject to fixation.
- (ii) Reproduction of fixation: The owner may permit the licensee to make original copies of the work once it has taken on a tangible form. Copyright infringement occurs when an act is carried out without the original owner's consent. If the broadcaster veers away from the intended goal, the owner has the authority to forbid it.
- (iii) Rebroadcasting through wireless means
- (iv) Public outreach for their television programming: The domestic legislation of the state where protection under intellectual property rights is sought will decide under what circumstances such communication may be exercised if it is made in public spaces that require payment of an admission price.
- (v) Given that the broadcasting organization's headquarters are located in a different state and that the broadcast was sent from a transmitter located in a different contracting state, it is considered a protected broadcast.

5. Swayam Prabha

“Study Webs of Active Learning for Young Aspirants Minds” is recognized to be an amazing contribution and effort initiated by the Ministry of Education for the betterment of students unable to afford study material relating to their course. This is an e-learning source telecasted Direct-To-Home. The contents of SWAYAM are made available 24/7 through GSAT 15 Satellite. It is considered a bouquet of 280 channels. 40 channels are identified to contribute to the branches of Swayam. Additionally, a notion is telecasted every four hours, and it is often replayed five times daily. Students have the opportunity to view the information again even if they happen to miss it. Scholars conducting research, educators, and professionals can all benefit from Swayam Prabha's contents. All of the data are kept on the INFLIBNET

¹ Dr. S.R. Myneni, Law of Intellectual Property, 8th edition (pg.no.71)

portal, which will be covered in later sections. Usually, IIT, UGC, CEC, and IGNOU supply the state. BISAG-N, located in Gandhinagar, is in charge of managing the uplink of channels. Eight different languages are provided for the subject content: English, Tamil, Hindi, Gujarati, Kannada, Malayalam, Marati, and Telugu. This effort is appreciable as the Ministry of Education has made a wider effort in providing the contents of subjects in various local languages thereby enabling the students to under the concept in their mother tongue or comfortable marriage. The credit weight is 40%. This Prabha has advised universities to identify courses where credit earned on Swayam can be transferred to students' academic records. AICTE Gazettee Notification 2016 was issued for adoption on Swayam Courses in educational institutions. For each department, a particular set of channels are allotted. The series of channels are as follows:

CHANNELS	SUBJECT HANDLED
1-10	CEC, New Delhi
11-16	IGNOU, New Delhi
17-20	IIT, Bombay (related to Science)
21-24	IIT, Delhi (Integration)
25-28	IIT, Kanpur
29-30	IIT, Kadagpur
31-36	IIT, Madras (NRI Ranking 1 st)
37-38	IIT, Tirupathi
39	University of Hydrebad (Performing Arts)
40	CEC, UGC (Vyas)

6. Quadrants of Swayam Prabha:

Certain principles are recognized to be pillars of Swayam Prabha and they are:

- E-tutorial:** A technique called e-tutorials is employed by Swayam to allow students to learn through the use of instructional video recorder, simulations, PowerPoint exhibitions, podcasts etc.,
- E-content:** Through the library network, libraries can obtain information from other libraries and information providers, potentially increasing the amount of information that is available to users. By sharing resources and bibliographic information, libraries can cut expenses and foster cooperation through the use of library networks.
- Self-assessment:** This includes the SATHEE² (Self-Assessment Test and Help For Entrance Exams), which was developed in conjunction with the Indian Institute of Technology, Kanpur, and the Ministry of Education. It is well known that this offers study guides, mock exams, and individualized coaching for getting ready for different competitive examinations. This can be accessed via web platforms and DTH television.
- Discussion forum:** In the context of online learning, discussion forums are crucial for facilitating communication between students and supervisors. According to Swayam, this is the first Indian Massive open-access course intended for higher education. Instead of having students read through

² <https://sathee.prutor.ai>

every comment, the goal of this discussion forum is to enable them to learn via productive conversations³.

7. Information Library Network Centre (INFLIBNET):

This center was aimed at modernizing the libraries maintained in universities within India, applying the technology of state-of-art to enable optimum utilization of information. This is recognized to be one of the major National programs on education initiated and developed by the University Grant Commission on 27th Feb. 1991. This network became independent on 16th May. 1996. It is headed by Prof. M. Jagadesh Kumar, the President, and Prof Bharat Bhasker, Chairman. The current and future needs of the students are met through collecting and organizing the data through the INFLIBNET center. The computerization of the library is done through “SOUL Integrated Library Management Software”⁴. In addition to offering a database including various study resources, this network regularly hosts workshops on using DSpace that aim to improve its usage by imparting detailed expertise.

Further, the major activities of the INFLIBNET center are as follows:

- (i) The Union Catalogue of Books and Periodicals, as well as several Union databases and bibliographic papers, are all provided by **IndCat**, another software launched by INFLIBNET.
- (ii) SOUL- Software of Univeristy Library is used to maintain many functions that are performed on a daily basis and offer library standards. INFOPORT is recognized to be another important subject gateway for Indian Electronic Resources.
- (iii) The **Shodh Ganga** was set up by the INFLIBNET center. The software called Dspace was developed by MIT in partnership with HP. This is fully related to research work which stores all the thesis and dissertations. DSpace supports the open Achieves Initiatives Protocol, for metadata (data about data), and harvesting (OAI-PMH).
- (iv) **E-Vidhwan Portal:** This is used to maintain the profile of researchers in various subjects who belong to the Nation’s leading institutions.
- (v) **Shodh Gangotri:** This is used to store all the approved synopses submitted by research scholars to universities for registering themselves for Ph.d. This enables the researcher to find out the trends in the direction of research. This also helps in avoiding duplication of research. Synopsis in “Shodh Gangotri would later be mapped to a full-text thesis.
- (vi) **Shodh-Sindhu:** This has been developed by the Ministry of Education which involves three consortia initiatives (a) UGC-INFONET (b) NLIST, (c) INDEST-AICTE. This usually contains details about peer-reviewed journals, the Number of bibliography, citations, and factual databases. This even stores e-books and e-journals. The e-books are generally granted perpetual access.

In addition to receiving unrestricted access to e-resources through the UGC-INFONET Digital Library Consortium, the Center maintains an individual Archival Library comprising print journals it additionally receives by agreements with UGC-INFONET member publishers. As per the agreements, the publishers are obligated to offer a copy of each journal issue. Any user who wants to use these print resources for research or study can access this archival library.

³ <https://link.springer.com>

⁴Autonomous Inter-University Centre of UGC, <https://www.inflibnet.ac.in/library/> surfed on 11.09.2024

- (vii) **Shodh-shudhi:** This helps in enhancing research quality. Urkund helps in keeping the research free from ethical bias. Turnitin started to contribute equally just like Urkund. At present drillbit is considered an extreme plagiarism detector software.
- (viii) **Shodh-chakra:** this enables to preservation of the entire research right from the proposal to publication. This is used to make any rework, or correction in the future.
- (ix) **E-Vidhwan Portal:** This is used to maintain the profile of researchers in various subjects who belong to the Nation's leading institutions.

8. Major Projects of INFLIBNET:

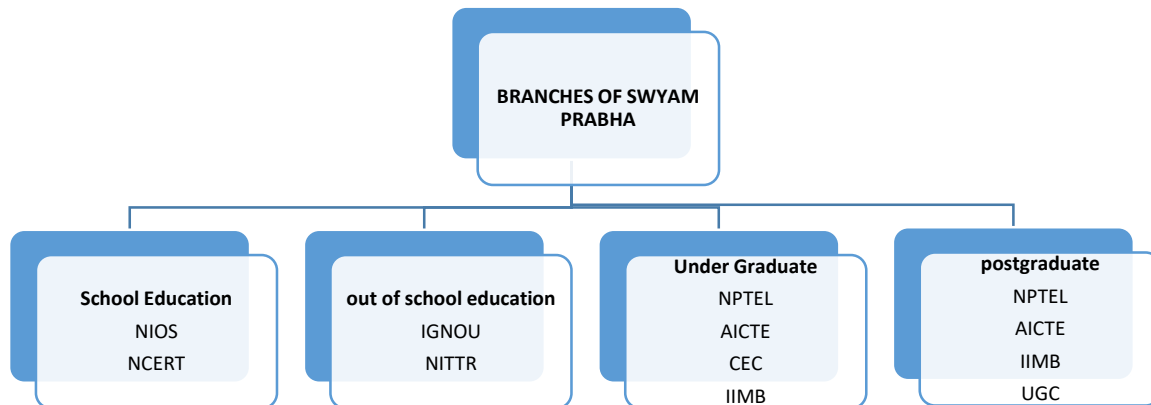
- (i) **Vidwan:** Among Vidwan's stated goals is to give a database of experts to peers, future research interactions, funding agencies, policy officials, and research researchers in the nation.
- (ii) **E-PG Pathshala:** The UGC is carrying out the MHRD's e-PG Pathshala project as part of its National Mission on Education through ICT (NME-ICT). High-quality, curriculum-based, interactive e-content covering 70 areas in the social sciences, arts, fine arts and humanities, natural and mathematical sciences, and other fields is crucial to the educational system⁵.
- (iii) **Vidyamitra:** A web-based interface known as "Vidya-mitra: Integrated e-Content Portal" has been created by the INFLIBNET Centre specifically for all e-content projects that fall under the National Mission of Education through ICT. More than 50 e-content projects are being produced under NME-ICT across many Indian institutes, universities, and colleges. These initiatives span a variety of subject disciplines, including science, arts, engineering, and social science.
- (iv) **IR@INFLIBNET:** Information Retriever which Utilises Dspace, IR@INFLIBNET⁶ hosts the complete text of technical staff research publications in addition to other center publications. This facilitates the submission, repurposing, and dissemination of the research findings. Capturing, indexing, archiving, and conserving digital information is an astounding aspect of the website. Depending on the publisher's terms and conditions, the writers may decide to publish both pre-prints and post-prints. Typically, the materials are made available in PDF format.
- (v) **Planner:** "Promotion of Library Automation and Networking in North-Eastern Region "(PLANNER)⁷. This convention serves as a platform for discussions on a wide range of topics associated with library mechanization and transformation, especially concerning the northeastern states of India. This is solely associated with the librarians being students or experts field of librarianship as well as practicing and teaching librarians. This aims to build a bridge between information and communication technology and modern tools that could be applied in e-library to advance the administration of management and services of the library.
- (vi) **News-Letters:** "An Autonomous Inter-University Centre (IUC) of UGC which aims at modernizing university libraries in India using the state of art technology for the optimum utilization of information"⁸. This platform is used for the purpose of posting news related to events, further developments, and even current developments that are taking place and it benefits the academicians and research scholars.

⁵ <https://epgp.inflibnet.ac.in/>

⁶ <http://ir.inflibnet.ac.in>

⁷ <https://planner.inflibnet.ac.in/planner.php>

⁸ <https://www.inflibnet.ac.in/publication/newsletter.php>



Abbreviations and full forms:

AICTE: All India Council for Technical Education

NPTEL: National Programme; on Technology Enhanced Learning

CEC: Consortium for Educational Communication

NCERT National Council for Education Research and Training

NIOS National Institute of Open Schooling

IGNOU: Indira Gandhi National Open University

IIMB Indian Institute of Management, Banglore

NITTTR National Institute of Technical Teacher Training and Research

INI Institute of National Importance.

9. Correlation between Broadcasting and Contents of Swayam Prabha:

Specialists in rights acquisition possess extensive expertise in gaining broadcasting rights through negotiations with rightful owners and obtaining content free from legal encumbrances. The rights analyst perform the role of analyzing the trends in need of broadcasting contents and suggest the measures that can be opted by owners in protecting their rights. Since swayam prabha is solely meant for the purpose of the education, broadcasting it for commercial purpose is not strict in sense but the same must not be hammered by advancement of technology. Broadcasting the correct content would enable the students to gain insight on a topic where the misrepresentation of the content through Artificial intelligence would hammer the entire object of the government’s initiative.

10. Conclusion:

The copyright, which is truly owned by INFLIBNET Center, is carried with the Swayam Prabha. There is no indication that its practical application is stringent. According to the explanation of Swayam Prabha provided above, INFLIBNET has launched a number of e-activities aimed at improving education for the economically and socially disadvantaged segments of Indian society. The Doordharshan channel was granted the broadcasting rights and made an effort to bring instructional content to pupils who, in reality, could not buy study materials. Additionally, the research scholar's time and effort have been cut down, which makes it harder for them to gather information and data to support their hypothesis. It must unquestionably be acknowledged when online education is offered at the foundational school level. The Swayam Prabha quadrants are most effective for analyzing and rating student performance. As a result,

the national government's initiative is noteworthy, and further funding is required to purchase cutting-edge technology that will raise the level of living in Swami Prabha.

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