

CONDITIONS FOR GRANT OF COPYRIGHTS: ORIGINALITY, EXPRESSION, FIXATION

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Abstract

Copyright is a legal protection granted to creators for their original works, such as music, literature, art, or software. It gives creators control over their work, including the right to determine how it is used, distributed, and reproduced. Creators can license their work to others, who must pay royalties for its use. Failure to pay royalties can result in the creator enforcing their copyright and taking action against the infringing party. It must meet three key conditions: originality, expression, and fixation. These conditions ensure that only certain types of creative works are protected under copyright law.

Originality in copyright law means that a work must be created independently by the author, rather than copied from someone else's work. It doesn't require the work to be groundbreaking or completely unique, but rather that the idea or expression is not copied from another source. For instance, when writing a book, the author shouldn't draw inspiration from another book's content in a way that would infringe on its copyright. Instead, the work should reflect the author's own creativity and skill, regardless of the idea's size or scope.

Originality is a crucial element in determining copyright protection. Historical events, and mathematical formulas are not eligible for copyright protection because they are not considered original works, creative expressions and applications of those ideas can be protected. This ensures that copyright law only protects works that reflect the creator's personal effort and creative input.

Expression refers to the requirement that the work must be expressed in a way that communicates the creator's ideas or thoughts. Copyright protects the specific way an idea is presented, not the idea itself. For instance, two

people might have the same idea for a song about love, but copyright would protect the unique lyrics, melody, or arrangement each person creates. This means you can't copyright a general concept, like "a story about a superhero," but you can protect the specific words, images, or sounds you use to tell that story. The expression must be clear and detailed enough to be understood by others, ensuring that the work is more than just a vague thought or concept in someone's mind.

Fixation refers to the requirement that a work must be recorded or saved in a tangible form that can be seen, heard, or reproduced. This means that the work should be written down, recorded, or saved in a digital format, such as a story on paper, a song on a device, or a digital artwork on a computer. The idea is that the work must exist in a physical or digital form that is accessible and perceivable.

For example, an improvised speech that is not recorded or written down cannot be copyrighted because it lacks fixation. Fixation ensures that the work is preserved in a way that allows the creator to prove its existence and claim rights over it. By requiring fixation,

copyright law provides a clear way to determine when a work is protected and who holds the rights to it.

These conditions ensure that only creative, expressed, and preserved works get copyright protection. This paper explores these conditions in detail, explaining their meaning, importance, and application in copyright law, with examples and legal insights to clarify how they work in practice.

Introduction

Copyright is a cornerstone of intellectual property, designed to protect creators by granting them exclusive rights over their work. For instance, when an author writes a book, they receive copyright protection, which prevents others from reproducing the same story, using their name, or exploiting their brand for personal gain. This right is granted to the author because their idea is unique and deserves protection.

Copyright allows creators to control the reproduction, distribution, performance, and adaptation of their work. This means they decide how their work is reproduced, distributed, and performed. However, not everyone qualifies for copyright protection. To be eligible, a creator's work must meet three essential conditions: originality, expression, and fixation.

If a creator's work passes these conditions, they can obtain copyright protection and join the realm of genuine creative ideas. This protection balances public access to ideas and knowledge with the creator's rights. In this research paper, we will delve deeper into copyright, exploring the major steps taken when someone infringes on these rights and how creators can benefit from copyright protection. We'll explain everything in detail.

Originality

Definition and Meaning

Originality is a fundamental requirement for copyright eligibility. It means that a work must be independently created by the author and

display a minimum level of creativity. This doesn't necessarily mean the work has to be entirely new or revolutionary. Instead, it should reflect the creator's ideas, effort, and skill, without copying from someone else.

For instance, taking a photograph of a sunset and editing it to enhance the light and composition doesn't qualify as an original work, as sunsets are a common subject and many people can capture similar images. However, if a software engineer creates a new software program that revolutionizes a particular field, that could be considered an original work worthy of copyright protection.

The key is that the work should be the result of the creator's own effort and skill, rather than a copy of someone else's work. When a work meets this originality requirement, it can be protected under copyright law.

Legal Standards

The threshold for originality is relatively low. In the landmark U.S. case **Feist Publications, Inc. v. Rural Telephone Service Co. (1991)**, the Supreme Court clarified that originality requires "some minimal degree of creativity." The case involved a telephone directory, which the court ruled was not copyrightable because it was a mere compilation of facts (names and numbers) arranged in a standard, non-creative way. This decision emphasized that facts, data, or ideas are not copyrightable—only the creative expression of those elements is.

Examples of Originality

Literature: A novel about a young wizard might remind people of Harry Potter, but if the story is written independently with unique characters and plot, it is original and can be copyrighted.

Music: A song that uses common chords but has new lyrics and melody is original because the artist created it independently.

Art: A painting inspired by nature is original if the artist uses their own style and vision, even if similar paintings exist.

Expression

The second essential element of copyright is expression. Expression refers to the way an idea is presented, not the idea itself. Copyright protects the specific way an idea is expressed, not the idea or concept. This means that facts, concepts, and ideas cannot be copyrighted.

For example, a love story between two people cannot be copyrighted. However, a specific book or movie that tells a unique story about a love story, such as Romeo and Juliet or a particular adaptation, can be protected under copyright. The Harry Potter series is a great example of this. The specific story, characters, and way the story is told are protected under copyright.

The expression is the specific way an idea is presented through words, images, sound, or other forms. This distinction is important because it allows multiple people to use the same idea in different ways. For instance, many movies feature superheroes who save the world, but each movie has a unique expression of the idea, with different characters, dialogue, and visuals. Each movie's specific expression is protected by copyright.

The expression requirement ensures that copyright law balances the need to protect creators' work with the need to allow people to build upon existing ideas. By protecting the specific way an idea is expressed, copyright law encourages innovation while rewarding individual creativity.

Examples of Expression

Books: The idea of the love story is not fall under copyright but in same time author tell mention a character then they fall under copyright

Movies: Movie who tell the story of time travel is not get the copyright protection ,but movie like intelsteller are get the copyright protection.

Software: The idea of a word-processing program is not protected, but the specific code and interface of a program like Microsoft Word are copyrighted.

Legal Perspective

The “**idea-expression dichotomy**” is a key principle in copyright law. In the U.S., this is supported by **Section 102(b) of the Copyright Act**, which states that copyright does not extend to ideas, procedures, or concepts. A famous case, **Baker v. Selden (1879)**, clarified this. The court ruled that a book explaining an accounting system could be copyrighted for its text, but the accounting system itself (the idea) could not. This ensures that others can use the same idea in their own way.

The expression requirement also applies to derivative works, like translations or adaptations. For example, a movie based on a book is a new expression of the book's ideas and can be copyrighted separately, as long as the movie creator has permission to use the original work.

Fixation

The third essential element of copyright is fixation. Fixation means that a work must be in a tangible form that can be seen, heard, or reproduced. This can include written documents, digital files, recordings, or other forms of media.

For example, if someone wants to copyright a song, they need to record it in a tangible form, such as a digital file or audio recording. Simply having an idea for a song is not enough to qualify for copyright protection.

Fixation is important because it makes it possible to protect a work legally. Without fixation, it would be difficult to prove ownership or protect a work from being used without permission. Fixation also allows works to be shared with others, which is a key goal of copyright law.

In essence, fixation provides a way to capture and preserve a work in a form that can be protected and shared. This can include books, movies, music, and other creative works. By requiring fixation, copyright law ensures that creators have a way to protect their work and benefit from their creativity.

Examples of Fixation

Writing: A poem written in a notebook or saved as a digital file is fixed.

Music: A song recorded in a studio or saved as an MP3 is fixed.

Art: A painting on canvas or a digital drawing saved on a computer is fixed.

Dance: A choreographed dance is fixed if it is recorded on video, but an unrecorded live performance is not.

Legal Perspective

In the U.S., the Copyright Act defines a work as fixed when it is embodied in a tangible medium of expression "by or under the authority of the author." This means the creator must either fix the work themselves or allow someone else to do it. For example, a speech is not copyrighted unless it is written down or recorded. However, if someone records the speech without permission, the fixation may not count for copyright purposes because it was not authorized.

Fixation also raises questions in the digital age. For example, a live stream on the internet may not be fixed unless it is saved or recorded. Courts have debated whether temporary digital files, like those in a computer's RAM, count as fixation. In most cases, fixation requires a more permanent form.

Conclusion

The conditions of originality, expression, and fixation form the foundation of copyright law. Originality ensures that a work is new and creative, rewarding creators for their efforts. Expression protects the unique way an idea is presented, allowing multiple people to use the same idea in different ways. This is because each person has a distinct perspective on a concept.

Fixation requires that a work be in a stable, tangible form, such as a written document, recording, or digital file. This is essential for proving ownership and protecting a work

legally. Without fixation, it would be challenging to demonstrate that a work belongs to a particular creator.

When these three conditions – originality, expression, and fixation – are met, they help creators protect their work, promote public access to ideas, and foster innovation. Understanding these conditions is crucial for creators to safeguard their rights and avoid infringing on others' rights. By grasping these concepts, creators can contribute to a vibrant creative culture and benefit from their work.

Moreover, these conditions enable the public to appreciate the value of copyright and encourage new ideas, even as technology evolves. The copyright law will continue to be guided by these principles, ensuring its relevance in the digital world. By meeting the requirements of originality, expression, and fixation, creators can secure their rights and contribute to a rich creative landscape."

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