

Extending the Horizons of Copyright Protection to Storytelling Platform: The Lens of Substantial Variation in Light of Humans of Bombay Stories Pvt. Ltd. V. People of India Pvt. Ltd.

Sneha Sharma^{1,*}

Abstract

Copyright protection provides exclusive rights to the author of literary content on a storytelling platform to prevent others from replicating or copying their work without authorised access. The skill, labour, and investment of capital accord the creative touch to the copyrighted work and provide originality in the form of images, photographs, videos, literary content, and the manner of presentation and publication of the work. These are the protectable elements of the storytelling platform outside the public domain and possess exclusive rights for the author. The idea of a storytelling platform cannot be copyrighted, but the expression of such ideas with the help of protectable elements provides a unique character to the platform. This idea-expression dichotomy provides for originality and creativity which are protectable under the Copyright Act of 1957. There should not be any substantial imitation of the copyrightable elements in the storytelling platform. The fundamental similarities, which cannot be avoided, are legally permitted. However, there has to be substantial variation in the subsequent works of storytelling platforms to fulfil the criteria of originality and creativity. The Delhi High Court, in its recent judgement of *Humans of Bombay v. POI Social Media Pvt. Ltd. & Anr.*, has dealt with the copyrightability of storytelling platforms and provided legal standing as to how the platforms would be governed under the copyright law, taking into consideration the interests, of the authors and those of the public to avoid replication of similar content on different storytelling platforms in line with the purpose of the Copyright Act of 1957.

Keywords: Copyright, idea-expression dichotomy, originality, storytelling platform, substantial variation

INTRODUCTION

The ambit of copyright protection has widened with its roots reaching out to the digital storytelling platforms. The idea of presenting the life stories of different individuals who have struggled with their ordinary character to turn into extraordinary people through storytelling platforms requires protection to encourage the skill and efforts of the author. Can such ideas be a copyrightable subject matter? Can two storytelling platforms embrace similar content with identical pictures and a similar manner of presentation of their literary content on frivolous justification of a common source, common subject, or common background of images? Will it not constitute copyright infringement to replicate the content of another storytelling platform?

The substantial imitation of the content and images of both platforms would hinder creativity

*Author for Correspondence

Sneha Sharma

E-mail: ssnehasharma1203@gmail.com

¹Student, Department of Law, National University of Study and Research in Law (NUSRL), Ranchi, Jharkhand, India

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and impinge upon the rights of the author creating the scripts, captions, etc. The authors of the copyrighted work have exclusive rights to prevent others from replicating their content without proper authorisation. Is it possible to provide copyright protection to such storytelling platforms and safeguard the rights of the author of the work? In order to protect against the infringement of literary content and images on a storytelling platform, it is important to have a substantial variation in the manner of expression of such ideas. Such variation need not be the result of a trivial change from the work already in the public domain, but there has to be substantial variation to ensure originality and creativity are duly protected.

These brainstorming questions arising out of the copyright protection of storytelling platforms and the challenges arising therewith have been dealt with in the recent Delhi High Court case of *Humans of Bombay v. POI Social Media Pvt. Ltd. & Anr.* [1], in which the two storytelling platforms, Humans of Bombay and People of India, have been involved in replicating and copying each other's content and images. There are two primary research questions that arise in the context of the present dispute. Firstly, whether the originality of the work is protected through substantial variation. Secondly, whether copying of unprotected elements in copyrighted work constitutes substantial imitation and thereby leads to copyright infringement. The paper would delve into these questions with a conceptual understanding of the important elements such as originality, substantial variation, idea-expression dichotomy, etc. and their relevance in copyright, providing a pathway for clear legal standing pertaining to the protection of storytelling platforms. There is no defined legal standing in relation to copyright protection on storytelling platforms. This is a landmark case that has delved into the new arenas of copyright protection for digital storytelling platforms and serves as precedent to deter infringement of copyright on digital storytelling platforms by stating the subject matter of copyright protection on the digital platform and providing legal backing as to what elements of the storytelling platform constitute protected elements for the purpose of protection under the Copyright Act.

DIGITAL STORYTELLING PLATFORM AS A SUBJECT MATTER OF COPYRIGHT PROTECTION

The digital storytelling platform provides avenues to establish connections with millions of people with the help of social media platforms in the form of text or image posts [2]. It entails the use of technology in telling the life stories of individuals through text on a website or social media, narration in podcasts, images, and video [3]. It seeks to reach out the stories of individuals having an extraordinary approach to life to a wide range of people to encourage them and provide others with the chance to learn from their experience. The incorporation of these multimedia elements—images, video, music, etc. provides it with a creative touch, making it appealing to the public at large [4]. The stories entailing the personal lives of individuals can have a deep impact on the lives of other people undergoing similar situations. Storytelling can be an efficient yardstick with the power to transform the lives of individuals by providing them with a guiding light to reflect on their life experiences [5].

The social connection layered by digital storytelling aids in shaping identities, and the art of storytelling fosters a sense of belongingness and embellishes human experiences [6]. In the case of *Humans of Bombay v. POI Social Media Pvt. Ltd. & Anr.*, [7], it has been stated that there cannot be any right claimed in running a storytelling platform. However, copyright protection is accorded to the subject matter of the storytelling platforms such as photographs affixed to the story, the content appearing on the website, or the literary work created during the interview. Further, it also includes the manner of presentation of the story of a particular subject along with videos which form part of cinematographic works [8]. The rights can be claimed under Sections 14 and 17 of the Copyright Act of 1957.

Fundamental Principles for Protection under the Copyright Law [9]

According to Section 13 of the Copyright Act of 1957 [10], copyright exists in the following works: “original literary, dramatic, musical, and artistic work; cinematograph film and sound recordings”. There are three essential requirements to attain copyright protection for the work which include

originality, expression, and fixation [11]. The courts have stated that there must be a requisite level of creativity for the work to be qualified for copyright protection. In the case of *Feist Publications Inc. v. Rural Telephone Service Corporation* [12], it was held that the expression of the thought has to be original and independently created. It must not be copied; rather, it should originate with the author itself having a minimum level of creativity. In order to determine the originality of a work in copyright, there has to be a genuine differentiation between the works rather than a “miniscule variation” for protection to be sought [13]. There has to be some quantum of creative spark or substantial variation, rather than something beyond the mere copying of work available in the public domain [14].

According to Section 14 of the Copyright Act of 1957, “copyright” pertains to exclusive right to do or authorise acts in exercise of right with respect to literary, dramatic, artistic, musical, cinematographic, film, or sound recording [15]. Under Section 17 of the Copyright Act of 1957, the author of the work is the first owner of the copyright [16].

Copyright Protection to Digital Platform

In digital media, the work is stored in database which provides collection of information or data in a structurally organised format. The copyright is granted in relation to arrangement of data or any other material in the form of database involving creativity, skill, and effort. The copyright protection is granted to such database having a modicum of creativity higher than the mere variation of the existing work [17]. In relation to storytelling platforms, the work highlighting the inspirational stories of extraordinary personality inculcates within itself literary content and photographs stored in the database which is linked to the website to make it digitally available to millions of people. The structured inflow of the information to display the specific information to the people in a creative fold depicts the functional aspect of the storytelling websites.

Literary Work

In the Indian legal framework pertaining to copyright protection, the database is provided protection under Section 2 (o) of the Copyright Act of 1957 [18] which constitute literary work. It includes “computer programme, and table and compilations including computer databases” [19]. The Information Technology Act of 2000 defines computer database under Section 43 Explanation (ii) as a preparation of knowledge facts represented in formalised manner or produced by computer system [20]. The storytelling platforms have stories describing the personal experiences of individuals as an expression of idea in writing.

Photographs

The photograph forming part of digital storytelling are undertaken as an artistic work under the copyright laws. Section 2 (c) of the Copyright Act of 1957 [21] state that artistic work includes a “painting, sculpture, engraving, drawing or photograph” irrespective of whether it possess artistic quality or not [22]. In case of photographs, the author is the person taking the photograph [23]. It is essential that the photograph must be an original work and imbedded with some degree of skill and effort to attain copyright protection [24].

In the case of *CCH Canadian Ltd v. Law Society of Upper Canada* [25], it was held that there has to be something more than the mere mechanical exercise. The author of the photograph needs to showcase his intellectual effort of the author in exercising his “skill and judgment” to fulfil the criteria of the originality of the work.

In the case of *Ateliers Tango Argentin Inc. v. Festival d’Espange & d’Amerique Latine Inc* [26], the elements for ascertaining the exercise of skill and judgment have been canvassed. The angle of shoot, costumes, location, lighting effects, etc. is indicative of the original work of the author of the photograph. The originality is also depicted in the photograph through the point of view and particular angle by which the photographer captures it [27].

Thus, the copyright protection is provided to digital storytelling platforms having various elements such as the narration of the story in literary form, the graphics having protection in the form of photograph as a part of artistic work, podcast as a part of sound recording under Section 13 of the Copyright Act of 1957 [28] which states the subject matter in which copyright subsists.

THE UNDERLYING CONTROVERSY BETWEEN THE HUMANS OF BOMBAY STORIES AND THE PEOPLE OF INDIA SOCIAL MEDIA PVT. LTD.

The Humans of Bombay and the People of India are two storytelling platforms. The Humans of Bombay is a renowned storytelling platform with the aim of reaching out the “extraordinary stories of ordinary people” to millions of people around the world. It provides a space to connect emotionally with strangers and build higher self-esteem and hope among people undergoing similar struggles in life. The storytelling entails the life experiences of various individuals who surpassed all struggles and became independent and successful [29].

The People of India is another storytelling platform on social media canvassing the stories of Indians around the world. It provides an inclusive space to people to share their soul stories of utmost struggle and inspire people to never give up in life despite all the trouble [30]. These storytelling platforms upload stories from various individuals in the form of literary work consisting of stories, videos, photographs, and creative expression involving unique manner of presentation of such stories. This storytelling platform inspires individuals encountered by similar life situations to stand for themselves in the difficulties of life.

Embracing the Arguments of Both Parties

The seeds of the dispute emerge from the fact that there have been identical images found featured on both the storytelling platforms. The plaintiff contends that his storytelling platform has been operational since 2014 having interviews, write-ups, posts etc. as a form of stories entangling the life of different individuals. Such stories emerge from different individual engaged in substantial research. The individuals narrate their life stories which is subsequently converted into the audio-visual work uploaded on their website to be available to public.

The plaintiff contends that they employ a unique method of selection of the subjects to provide a unique and creative touch to the stories uploaded on their website. The stories are crafted as a means of literary work including synopses, captions, and scripts. Such literary work is owned as a work produced by the plaintiff for hire who enjoys exclusive right to use it.

The plaintiff asserts that the written consent from the subjects is duly attained before the publication of such stories in the website. The defendants have significantly imitated and copied the contents from their website without obtaining approval from the plaintiff as they have exclusive right over the content. There has been replication of images from the plaintiff’s website by the defendant.

The plaintiff has clarified that they do not claim any right in running a storytelling platform rather they are claiming the rights in respect of literary work including interview and content creation, commissioned photographs by the plaintiff, the manner of presentation of story in the form of compilation and videos forming part of cinematograph works. These rights are claimed by the author under Sections 14 and 17 of the Copyright Act of 1957 [31].

The defendants have alleged that the Plaintiff has replicated images from the website of defendant and have been engaged in copying. The presence of common images has been justified by the defendant owing to the fact that the subjects of the stories themselves provided these images to the Defendant. There is no copyright infringement in relation to the image and the photographs as it has been provided by the third-parties and does not entail the creativity and original perspective of the plaintiff. There is no uniqueness in expression of thought in the plaintiff’s platform and there are numerous storytelling platforms following the same pattern of sharing the life experiences of people.

PAINTING THE CANVAS OF SUBSTANTIAL IMITATION IN LIGHT OF COPYRIGHT PROTECTION

The originality of the work is the essence of copyright protection. The creativity fabric weaves the skill and labour of the author of the work in determining whether a particular work as a subject matter of copyright is unique or entails substantial imitation of the already existing copyrighted work. The Copyright Act implores a negative right by providing exclusive right to the author to prevent others from copying his work and aims to foster creativity by safeguarding the rights of the original content creators.

The original content creator has exclusive right to reproduce the copyrighted work [32], display it publicly, distribute copies of the work to public by sale, rental basis, etc. and further the right to prepare any derivative works arising out of the copyrighted work [33]. Thus, the work to be accorded copyright protection must have a unique character advanced by the creative fabric with appropriate skill and labour rather than mere act of copying having substantial parts derived from an existing work. In order to determine whether the work is merely an act of copying, it is essential to make an estimation of the similarities between the two works and analysing the nature of connecting links between the two works to ascertain whether the quantum of similarity is merely coincidental or deliberate act of copying. Secondly, it is essential to evaluate the quantum of protected work that has been copied. It has to be determined whether substantial part of the original work is encapsulated within the newly created work thereby prima-facie rendering it as infringing copy of the other [34]. Thus, the mere proof of copying without incorporating the protected part of the work would not constitute infringement.

Substantial Imitation: The Conundrum of Protected and Unprotected Work in Copyright

Substantial similarity asserts that a significant portion of the protected material represents the pre-existing work, both quantitatively and qualitatively, resembling the original work of the author. Prima facie, it gives the impression that one work infringes upon the other. The objective of the copyright law is to foster creativity through the dissemination of ideas to the public. In substantial similarity, it is quintessential to determine whether the borrowed subject matter is a permitted affair under the copyright to incentivise creativity with the unique expression of the ideas. There are certain circumstances wherein certain degree of borrowing and inspiration from pre-existing works is legally valid to ensure that creativity and innovation can be possibly extended in formation of a unique manner and style of the work in question by bringing it in public domain [35]. In case, such part of the work is copied which is freely available and undertakes less than substantial part of the copyrighted expression, then it does not constitute infringement as it does not include the protected element of the work [36]. However, in case the two works appears to be alike as to substantial part of the copyrightable work, there is rightful claim of the original creator in respect of infringement of the work.

In a case of copyright infringement, the plaintiff needs to prove ownership of a copyrighted work and that the original expression of his work has been indiscriminately been copied by defendant. The act of copying has to be done in such a way that it amounts to “improper appropriation” of the substantial work of the plaintiff without any independent creation by the defendant [37]. When the entire protected work is copied in verbatim by the defendant, then the infringement is undisputable.

In the case of *Warner Bros. Inc. v. American Broadcasting Companies, Inc.* [38], it was held that substantial similarity is the concept to attain balance between the exclusive rights of the authors and the freedom to the public to fabricate their own work beyond the copyrightable protected area [39]. There are various tests to determine substantial similarity such as ordinary observer test, extrinsic/intrinsic test, total concept and feel test, abstraction/comparison/filtration test [40].

Various Tests Determining “Substantial Similarity”

The ordinary observer test is the fundamental test to ascertain substantial similarity. It determines if the lay observer of average intelligence would be intrigued to disregard the differences between the

work and take into consideration the overall aesthetics of the works [41]. In the case of *Arnstein v. Porter*, the substantial similarity should be ascertained with the effect of just the music's effect on lay listener rather than the expert testimony [42].

The extrinsic test focuses on the objective criteria to ascertain whether there exists any similarity in the ideas between the two works based on material used, subject matter, type of artwork, and the subject matter. The intrinsic test focuses on the subjective criteria to determine the similarity in the expression of works [43]. According to the total concept and feel approach, the substantial similarity is ascertained with the help of non-literal elements such as coordination, original selection, and arrangement of expression. This test prevents mechanical dissection of the works and focus upon separate copyrightable elements [44].

The abstraction-filtration-comparison test establishes the substantial similarity between copyrighted and infringed computer programs [45]. In this test, various elements from both these works are extracted and there is a comparison with each other at the abstract level [46]. In the first step, the copyrighted work is dissected into various levels of abstraction or generality. Then, each level of abstraction is properly scrutinised and the elements such as ideas, facts, processes, public domain material, etc. which are unprotectable elements of the copyright is duly separated. The residuary elements which form part of protectable subject-matter of copyright is compared with the work of the accused to ascertain whether the substantial elements of the copyrighted work have been misappropriated [47]. This is an effective test which focuses on element-by-element analysis excluding the unprotectable elements present in the work to determine the question of copyright infringement.

Thus, substantial similarity pertains to screening out the unprotectible components of the copyright subject matter. There is a constitutional mandate to restrict the "scope of the author's control" to ensure that the subsequent authors are not prevented from using any facts, ideas or concepts in his/her work by the copyright holder. The scope of innovation and creativity should remain intact in regard of expression of thoughts. Thus, the substantial similarity separates the idea from expression and subsequently guards the boundary of copyright protection [48].

DELVING DEEPER INTO THE IDEA VS. EXPRESSION DICHOTOMY

The idea-expression dichotomy is based on the fundamental rule that ideas per se cannot be copyrighted; rather, the expression of ideas forms part of copyrightable subject matter. An idea refers to a mere thought process on a particular subject matter specific to a particular individual. However, the expression is the manifestation of that idea and its practical implementation in a tangible form.

Differentiating Idea and Expression

According to Justice Brennan, "the distinction between protected expressions and unprotected ideas is the essence of copyright [49]". The same idea can be bubbled out of the minds of different individuals however its expression completely differs on the level of perception and creativity from person to person. This makes all the difference, and the innovative minds of individuals are imprinted in their physical form pertaining to specific designs, particular ways, and manners of arrangement, etc. [50]. The doctrine of idea-expression dichotomy forms the basis of copyright protection as it plays a pertinent role in determining the originality of the work based on the scrutiny of the expression of the idea.

The Landmark Cases in Idea-Expression Dichotomy

This idea-expression dichotomy has emerged from the case of *Baker v. Selden*, [51] in which the US Supreme Court held that the copyright does not extend to ideas portrayed in the account book. The Court clarified the distinction between the idea and its expression and stated that idea cannot be copyrighted as would lead to anti-competitive effects providing unbridled powers to the copyright holder to hold monopoly over their creation [52]. This would go against the purpose of copyright law which focuses on fostering creativity and incentivising innovation.

The idea on its own cannot be protected, as it exists in the mind of the creator. There has to be an expression of such ideas in permanent form so as to give substance to such perceptions and thought process of an individual. Thus, there cannot be any copyright with respect to the idea, themes, plots, or legendary or historical facts, subject-matter, principle, etc. [53].

In the case of *R.G. Anand v. M/s Delux Films and others* [54], the Supreme Court held that copyright protection cannot be obtained in relation to plot, narratives, legendary facts, historical facts, themes, etc. as it does not signify a unique attribute. However, in such cases, the originality is determined by form, style, presentation, and arrangement of ideas by the creator of the copyrighted work [55]. It has to be looked from lens of the spectator whether the successive work appears to be copy of the former on the face of it. Further, it has to be ascertained whether the similarities in question is substantial so as to go beyond the basic characteristics of the work. The court further reiterated that the use of same concept does not constitute copyright infringement when it is portrayed and expressed differently. Thus, this landmark judgement holds great significance in contemporary times as it provides guidelines in respect of copyrightability of ideas and substantial similarity. These concepts are the foundation stone for copyright infringement under the Copyright Act as contributes to determine the originality of the work.

Under the Berne Convention, the member countries are precluded from copyright protection unless the ideas are fixated in material form through their expression [56]. Thus, the copyrightable work must be expressed in writing or print. In the case of *Humans of Bombay v. POI Social Media Pvt. Ltd. & Anr.* [57], both storytelling platforms were created with the same concept of providing a safe space for people to uphold their identity through struggle and reach out to inspirational stories of their life struggles as a token of love, hope, and support for those sailing their ways through the high tides of life. In this case, the Court reiterated the doctrine of idea-expression dichotomy and stated that there cannot be any copyright with respect to the idea, themes, plots, or legendary or historical facts, subject matter, principle, etc. The violation of rights in such cases occurs in terms of the manner, form, arrangement, and expression of the ideas by the author of the copyrighted work [58]. In those circumstances, when the same idea is expressed in a different way, it cannot be denied that some fundamental similarities are bound to occur as the source of the origination of ideas is similar. However, it has to be ascertained whether the similarities are substantial or fundamental in terms of expression in the copyrighted work.

The unique attribute to the expression of idea is accorded to the same idea in the manner in which it is communicated, i.e., how that idea is reduced into tangible form which distinguishes it and provides for protection [59]. Similarly, the idea of a story telling platform for sharing inspirational life stories of successful people fighting with the struggles of life, i.e., Humans of Bombay and People of India can be common to different storytelling platform but what makes a difference is the manner and style of the expression of that idea which produces unique identification of that platform among the millions of people. The use of specific stories and the photographs along with the caption describing the life struggles would definitely add an original touch to the idea of storytelling platform.

The infringement of the copyright would come into picture only when the defendant's work is a mere literal imitation of the copyright work with certain minimal variations. The most efficient test to determine the violation of copyright is look at both the works from the lens of the spectator having average intelligence. In case, such spectator would perceive both the works as copy of one another then the subsequent work would be copy of the original. However, if the theme is same but is presented in a uniquely different manner then the subsequent work becomes a new work.

Doctrine of Merger and Scenes a Faire Doctrine

The idea-expression dichotomy led to the evolution of the merger doctrine in the copyright work which pertains to the fundamental rule that only the expression of the ideas is copyrightable and not

the idea itself. However, there are certain circumstances when idea and expression cannot be separated from each other. In such cases, the ideas and the expression merge in such a way that the elements of idea and expression become inseparable. The expression does not form part of copyrightable subject matter in such circumstances as the monopoly over expression would mean the monopoly over the idea itself which goes against the doctrine of idea-expression dichotomy [60]. Thus, the doctrine of merger is an exception to protection of expression of idea as a form of copyrightable subject matter.

Scenes a fair doctrine aids in distinguishing between copyrightable and non-copyrightable subject matter. There are certain elements in the copyrighted work which are so common to a particular genre that they become mandatory or customary to that genre and thus cannot be protected under the copyright law [61]. This doctrine maintains a balance between the freedom of expression and the purpose of copyright law by protecting the right of the creator and providing scope to the subsequent creators with the freedom to create on that particular theme [62].

COPYRIGHT INFRINGEMENT IN STORYTELLING PLATFORM: THE JUDGMENT IN HUMANS OF BOMBAY STORIES PVT. LTD. V. PEOPLE OF INDIA SOCIAL MEDIA PVT. LTD.

The dispute between the storytelling platforms Humans of Bombay and People of India is based on the identical images with similar stories displayed on both the platforms arising out of the same subjects. The court scrutinised the evidences produced before it and came to the conclusion that prima facie there exists substantial imitation in relation to photographs and images featured on the respective websites. There are certain photographs on both the platforms which are exactly the same and thus devoid of originality in any aspect.

In the present case of *Humans of Bombay v. POI Social Media Pvt. Ltd. & Anr.* [63], the Court held that both the storytelling platforms Humans of Bombay and People of India should refrain from replicating the copyrighted work of one another which includes commissioned photographs, literary works in the form of original pieces and interview scripts, videos commissioned by the platform and the particular way and manner of presentation of stories on a specific subject published by the platform. These include the creative aspect in respect of copyrighted platforms. The combination of all these features provides a unique character and identity among the public of a particular storytelling platform. The visual appearance of a particular platform has to be such that it imprints a sort of identification of particular platform through their style and manner of presentation. There cannot be any justification such as common subject, common source, common setting where image is clicked etc. for infringing upon the copyrighted works of each other. Such act of copying the expression of the ideas of an author constitutes copyright infringement under Section 51 of the Copyright Act of 1957 [64].

Creativity is an essential facet of copyright protection which paves the way to establish originality. In story telling platform, the creativity vests in articulation or writing of the stories and unique manner of its presentation in case of literary work. The author of such original content would be entitled to protection over its work. The copyright over the videos and the photographs commissioned by these platforms would come within the ambit of content under the Copyright Act of 1957. However, the photographs presented on these platforms provided by the third-party would not constitute as copyrightable content unless such photographs are commissioned by the platform on its own.

The Supreme Court discussed the aspect of originality in the copyrighted work by relying upon the case of *Eastern Book Company v. D.B Modak* [65]. The originality of a work is the most significant factor of copyright protection which balances the interests of the author of the work with that of public. The right of the author of the copyright work has to be safeguarded and at the same time, the work falling within the ambit of public domain should be protected from being monopolised by any

author. The case also discussed the idea-expression dichotomy and stated that “the copyrighted work is not concerned with the originality of ideas but with the expression of thought.” The author has to create such copyrightable work having own skill, labour, and investment of capital. The derivation of work is also permitted but there has to be a flavour of creativeness arising out of substantial variation from the already existing work.

There is requirement of minimum level of creativity for a work to be entitled to copyright protection. There has to be a significant level of variation in the subsequent work and not merely a trivial variation as it would go against the requirement of originality which is the foundation stone of copyright legislation. There is no mandate that the idea should be novel or innovative. However, it requires minimal level of creativity in the expression of the idea.

There cannot be any monopoly provided over the idea of running a storytelling platform. However, the expression of such ideas arising out of the life stories of different individuals by different platform is entitled for protection [67–76]. Such platforms feature stories of their subjects in their unique and creative ways of communicating such stories to public through a particular pattern and manner of presentation which forms the expression of such ideas which are copyright protectable. The images, videos or photographs provided by the subjects out of their own private collection cannot be a claimed as subject matter of copyright protection by either of the platforms.

Thus, the Court after taking into consideration the mentioned legal principles passed the order that both the platforms “Humans of Bombay” and “People of India” must abstain from using each other’s literary content which constitutes copyrighted work, i.e., commissioned photographs, videos commissioned by the platform themselves, literary works such as interview scripts and original pieces written by authors of respective platforms, manner of presentation of the stories published by the platform in the particular subject as such platforms are not entitled to undertake such act of copying the protected work.

This judgment prevents the substantial imitation of copyrighted work based on the object of the Copyright Act of 1957, which is to prevent unlawful reproduction or exploitation of copyrighted work by others. The storytelling platforms may have a similar idea of reaching out to the masses with the inspirational life stories of people, but it is necessary that the protected elements that provide a unique attribution to a particular platform are protected from being exploited by others under any circumstances. The skill, labour, and creativity of an author have to be duly recognised encouraging authors to further advance their efforts for the benefit of the public.

CONCLUSION

The copyright protection to digital storytelling platform extends to the literary content which constitutes copyrighted work, i.e., commissioned photographs, videos commissioned by the platform themselves, literary works such as interview scripts and original pieces written by authors of respective platforms, manner of presentation of the stories published by the platform in the particular subject. The idea of storytelling platform cannot be protected rather the expression of such ideas unique to a particular platform is a copyright protectable. In the *Humans of Bombay v. POI Social Media Pvt. Ltd. & Anr.* [66], it has been clarified by the court that such elements form part of copyright protection and both the storytelling platform cannot be entitled to copy or replicate each other’s work. There has to be substantial variation from the already existing works in order to establish originality and provide copyright protection to subsequent works [67–76]. This landmark case has provided a proper legal standing for protection to storytelling platforms by clarifying the legal position of protection to storytelling platforms and protecting the creative work of the author. Thus, the storytelling platforms constitute new line of protection in the copyright regime and the expression of the life stories of subjects is unique and creative work of a particular platform governed by the Copyright Act under Sections 14 and 17 of the Copyright Act.

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