Subject Name: Copyright Act
Topic Name: Criminal Remedies

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Offences

Criminal proceedings under the Copyright Act are regulated by the Criminal Procedure Code. The Act delineates several criminal offences, including:

- Section 63: Knowingly committing infringement or aiding such infringement of copyright or other rights conferred by the Act, excluding the right to share in the resale price of the original work.
- Section 63(8): Knowing the use of an infringing copy of a computer program.
- Section 65: Possession of plates for making infringing copies.
- Section 65A: Circumventing effective technological measures to protect rights conferred by the Act, with the intent to infringe, punishable by imprisonment of up to two years and a fine. However, exceptions exist for encryption research, lawful investigation, and national security measures under section 65B.
- Section 67: Making false entries in the Register of Copyrights.
- Section 68: Making false statements to deceive or influence authorities under the Act.
- Section 68(A): Contravening section 52(A) regarding particulars in sound recordings and video films.

Penalties

Penalties for criminal offences encompass imprisonment, fines, seizure, and delivery of infringing copies to the copyright owner. Mens rea, or knowledge, is crucial for these offences.

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Judicial Discretion

Civil remedies and criminal proceedings against infringers are separate and concurrent. Courts possess discretion to reduce minimum imprisonment and fines for adequate and special reasons, especially if infringement wasn't for commercial gain. Determining adequate and special reasons lies within the court's purview, considering trade circumstances.