Introduction

Relationship between Intellectual Property Rights and Contemporary Art is very challenging and conflicting. Intellectual Property rights provide exclusive legal rights to the creator or inventor to use their creations or innovations by exclusively restricting others to access the same. The main purpose of Intellectual Property Rights is to safeguard different creativities and to provide rewards to such creativities. These rights are particularly important to artists as intellectual property rights helps the artists to get their arts acknowledged by providing certain legal and moral rights over their arts. And contemporary art refers to “The art of today” which mainly includes that artwork which has been produced during the late 20th and early 21st centuries as contemporary art simply represents modernism. Contemporary art is basically about the present-day art which includes aesthetic ideas and concerns. When we talk about artistic works, artists get numerous rights and recognitions for their art by getting copyright protection over the art under copyright law and copyright law provides legal rights as well as moral rights to the artists. Copyright Law is inseparably linked to arts but when it comes to contemporary art, it does not fulfill the basic requirements and criteria for getting copyright protection which creates a friction between contemporary art and copyright law. But despite the conflicts and friction between nature of contemporary art and copyright law, yet contemporary art is dependent on copyright law as copyright law not only provides basic rights and protections for the art against copying and other exploitation but also outlines and depicts the legal limits of artistic practice. Even though contemporary art is developing day by day in modern era but contemporary art lacks the respect and recognition which a fine art enjoys.

Conflicts between Contemporary Art and Intellectual Property Rights

Shockingly and strangely, in the realm of contemporary art, Intellectual property rights can be viewed as menace to art. Contemporary Art is mainly established by reinvention and reworking which includes borrowing from works which are already existing so as to concoct a new interpretation. This is the point where conflicts between contemporary art and intellectual property rights arises. It might appear glaringly evident that the rights of the artist who’s doing the borrowing task ought to be decreased, however it’s frequently contended that this solution is extremely simplistic one. And some contend that practically all art obtains some way or another from a pool of information which is already existing in nature. In light of this contention, the past solution isn’t suitable. The rights of the two artists (those that need to reconfigure existing art, and the originating artist) should be considered under IP Laws.

Evaluation of Substantial Similarity can be utilized here but this test would necessitate the examination of the degree of borrowing. If in case the author who has acquired or obtained from another artist has delivered a work that is considerably similar or substantially similar to that of the preceding work, then his rights ought to be limited and barred. The issue to this explanation is that contemporary art-which is excited about the idea of giving new interpretation to existing works--will require generous or substantial borrowing.

A proposed suitable answer for this issue will be to inspect the level of uniqueness of the new work art delivered. If the work which has acquired from another work so as to rethink and re-portray the idea and concept and to give whole new interpretation to the existing art work has been done in a significant

1 Ramakrishna B & Anil Kumar H.S. Fundamentals of Intellectual Property Rights (1st ed, 1 January 2017)
2 Tony Godfrey, Conceptual Art (Art & Ideas), (1st Ed. 1998)
degree and to a substantial extent then he ought to be permitted to do so. Each case must be chosen its own benefits on the grounds that figuring an inflexible arrangement of rules in the area of art would be repetitive.

- **Legal Status of Contemporary Art in India, Concerning Copyright Protection**

Contemporary art gaining its popularity in the art industry at an alarming rate but even then, also their structural arrangement of essential elements does not comply with the essential requirements which are needed to get copyright in India according to Copyright Act, 1957.

Issues emerge when an individual exercises a right that either clashes with the activity of rights by another or with an obligation owed to the other. One of the most significant instances of this is the current act of picture allotment: The examples of this, utilization the pictures of works by prior artists and quote them the distinction being, maybe not in the visual structure but instead in the intellect intent of those pictures. Copyright doesn't perceive such subtleties of artistic intent. The court won't take a look at the intellect intent of the artist but instead at the objective similarity of the new work with the earlier and existing work, the apparent degree of the appointment, the hugeness of the appropriated part to the prior work, its hugeness to the later work and the level of aptitude and work applied continuously artist in the formation of the subsequent work. This basically creates problem and difficulty for artists as it is not their opinion that matters, it's the opinion of court that matters. And the opinion of the court differs from that contemporary artist when it comes to examine or adjudge that whether the skills applied by the subsequent artist is sufficiently independent of that applied by the first artist.

The current copyright law in India perceives and secures just those works where thoughts and expressions are distinguishable and consequently doesn't consider the works where the two are blended or merged. Contemporary artworks don't fit appropriately in this framework. In India, just expression is qualified for protection and the thought as a sole substance, since thoughts are too significant to be in any way copyrighted and subsequently can't be cornered and monopolized.

There exists no copyright in thoughts. Copyright stays alive just in the material form to which the thoughts are deciphered or translated. Two writers may have a similar thought for a book. Anyway, the manner in which they communicate and try to express themselves i.e., the manner in which they put down their thought in an unmistakable structure and in tangible form is the thing that basically makes the difference. It is the structure or form where a particular thought, which is interpreted and translated that is, secured. The main reason for protecting the expressions and not ideas or thoughts is to secure the free flow of thoughts as thoughts or ideas are too significant and valuable to be copyrighted. Copyrighting of ideas will eventually stop brining the innovations and creativity.

- **Possible Solutions and Suggestions**

Every problem has its own solution similarly even in this conflict its not that difficult to effectively incorporate contemporary art in the current Indian Copyright law as one can follow the following measures

a. An extensive and broad knowledge must be made into the techniques through which thoughts and expressions can be esteemed or valued in those art works where they are profoundly consolidated and merged.

b. There should be an advanced manner in which merger doctrine should implement

c. Indian Copyright law needs to fuse the thought of thoughts and needs to incorporate the consideration of thoughts which are singularly introduced, presented and have no degree or scope for multifaceted presentation

d. Ideas ought not to be summed up as conventional, general or specific, rather they should be viewed as a joint effort or collaboration, aside from the actual expression.

e. Since contemporary art is never ending developing field and will develop more day by day and will continue including novel methods of acclimatizing thoughts and introducing them through unmistakable and different expressions, the law securing the original and in particular, the progressive works, should likewise keep up the pace with such turn of events and developments. It cannot, each time manage contemporary issues utilizing old laws.
Conclusion

Contemporary Art is gradually picking up acknowledgment and gaining popularity day by day, yet not so much comprehended and understood. Contemporary Art is an expansion of self-expression where an artist will in general depict a thought, an intention, a feeling or maybe a particular theme. It basically gives priority to the concept. In any case, nowadays we are searching for reason to go with all that we see be it a video of Beyoncé or a fascinating bit of Pinterest-motivated furnishings.

With this contemporary wave came the opening up of the market for Indian art abroad, also we have so many art galleries in our country now, implying that the Indian artists presently had no real option except to address a more diffuse crowd, through topics, concepts and themes that resounded with local as well as global. Today, Indian Artists developing the contemporary art day by day and even younger generations gave a whole new dimension to the contemporary art in our nation.

But even then, the Indian Copyright Law isn't accommodative enough to fuse such new fine art forms which are an indication of social, cultural, imaginative, and artistic development of the thought and mind process. Indian copyright law does not have provisions to consider and to incorporate the contemporary art and this is why contemporary art are unable to get copyright protection in India. And because of the continuous modern art developments in India, things are required and expected to change and the extent or scope of copyright law may grow.