



## Book Review

# Non-Conventional Copyright: Do New and Atypical Works Deserve Protection?

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**Enrico Bonadio and Nicola Lucchi (eds.)**, *Non-Conventional Copyright: Do New and Atypical Works Deserve Protection?*, Edward Elgar Publishing, 2018, [ISBN 978-1-78643-406-7]

In December 2018, the Court of Justice of the European Union, determined whether cheese producers and manufacturers, Smilde Foods can claim copyright in the taste of the cheese 'Witte Wievenkass'. The Court of Justice of the European Union ruled that the taste of food cannot be protected by copyright, as it cannot be "pinned down with precision and objectivity".<sup>1</sup> This decision delineates a limit, in terms of product protection for food manufacturers and in terms of non-traditional copyright more generally. In another instance, the Dutch Supreme Court held that valid copyright can subsist for the scent of a perfume.<sup>2</sup> In late 2015, yoga guru Bikram Choudhury claimed copyright protection for his signature sequence of yoga poses in the United States. However, the Ninth Circuit of Appeals ruled that the 'Bikram Yoga' sequence was not a copy rightable subject matter.<sup>3</sup>

The subject matter of copyright has been conceptualized in two principal ways.<sup>4</sup> Some countries utilize the approach taken in the

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<sup>1</sup> Levola Hengelo BV v. Smilde Food BV, C-310/17

<sup>2</sup> Lancome Parfums ET Beaute v. Kecofa BV, Cause list no. C0200726/MA

<sup>3</sup> Bikram's Yoga College v. Evolution Yoga, No. 13-55763 (9<sup>th</sup> Cir. 2015)

<sup>4</sup> Samuelson, P., 2016. Evolving Conceptions of Copyright Subject Matter. *U. Pitt. L. Rev.*, 78, p.17.

Berne Convention for the Protection of Literary and Artistic Works, 1887, which speaks of 'literary and artistic works' as the subject matter of copyright.<sup>5</sup> Other nations enumerate specific types of subject matters eligible for copyright protection. England, United States of America and India have been among the jurisdictions that have generally adopted the latter approach. Books were the sole subject matter of the first modern copyright law, the English Statute of Anne of 1710.<sup>6</sup> Later copyright protection was extended to maps, charts, musical compositions, dramatic works and engravings. Further, the subject matter was extended even to photographs, sound recordings and video recordings. Thus, the subject matter protected by copyright law has expanded gradually, but quite substantially.<sup>7</sup> However, the periphery of copyright law is not well settled.

In this fast changing world, those subject matters of copyright protection, which are considered as extremely bizarre today, could be considered within the traditional realms of copy right tomorrow. Any scholar of copyright law will be fascinated about whether non-conventional works can be protected by copyright. There are insightful arguments both for and against expanding copyright into these new dominions. In this context, the book titled, *Non-Conventional Copyright – Do new and atypical works deserve protection*, edited by Enrico Bonadio and Nicola Lucchi, is a contemporary and timely addition to the existing literature on copyright law. From the title of the book it is evident that its objective is to deliberate on whether modern copyright law should be more flexible and whether unconventional work, including graffiti, tattoos, land art, culinary works, sport movements, yoga, jokes, magic tricks, disk jockey-sets, perfume making, TV formats, typefaces, news snippets, illegal and immoral works, deserve protection. In this volume, both the editors have brought together a collection of chapters authored by copyright scholars and lawyers from around the world, to synthesize the debate on extending the existing boundary of

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Reese, R.A., 2015. Copyrightable Subject Matter in the "Next Great Copyright Act". Berkeley Technology Law Journal, 29(3), pp.1489-1534.

copyright protection to non-conventional forms of expression in atypical fields.

In the foreword to the book, Peter Yu highlights that the significant area of intellectual property law in which scholars have underscored, concerns the protection of non-conventional subject matter under copyright law. He also explains the necessity for literature that covers the non-conventional subject matter in copyright that “lurk at the fringes and receive no or very little protection.”<sup>8</sup> He has categorized the content of the edited volume in three categories. The first group covers those subject matters that have received considerable or growing attention in the arena of copyright. The second group comprises those having long standing existence, yet have not received copyright protection or have received little protection. The last group includes novel issues that have slowly begun to garner attention from copyright experts around the world. Very carefully examining the contemporary developments, Peter Yu speculates that “the present treatment of non-conventional subject matter will color the future development of copyright law and policy.”<sup>9</sup> According to him, the topics, covered in this book, explore the most vital concerns in today’s copyright debate, which is whether copyright protection should be extended and if so, how and why it has to be extended.

The introductory chapter provides an overview of the requirements for copyright protection, discusses the concepts of work, originality, fixation, functionality, authorship, public interest concerns in copyright protection and how they can pose obstacles to the protection of certain non-conventional works. In this chapter, the editors explain the rationale behind selecting specific types of non-conventional works in this study and also demonstrate the structure of the book. The book is structured in four parts, each comprising of several chapters focusing on specific areas, written by different authors. Part I analyses whether new or non-conventional forms of art can and should be protected by copyright. The art which is looked at in this section is not the kind

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<sup>8</sup> Bonadio, E, Lucchi, E., 2018, *Non-Conventional Copyright: Do New and Atypical Works Deserve Protection?* Edward Elgar Publishing.

<sup>9</sup> *Ibid.*

of art that is usually found in traditional galleries. Part II of the volume address a wide category of music related creations and other cultural endeavors. Part III shifts the analyses towards works created on an industrial scale, particularly to address market demands and in the context of specific research. The last part sheds light on another peculiar category of creative outputs – works that display illegal or immoral content. The concluding chapter provides an economic analysis of the protectability of non-conventional works.

The first chapter, authored by Xiy in Tang, begins with reference to Robert Smithson’s Spiral Jetty, an iconic earthwork or land art. It addresses issues related to copyright protection of land art and earthworks. This form of art uses materials found in nature, such as the soil and rocks, vegetation and water found on-site. The author explains that the title of the study, “*Copyright in the expanded field: on land art and other new mediums*,” was inspired by the 1978 essay, ‘Sculpture in the Expanded Field,’ authored by Rosalind Krauss, which documented the phenomenon of post-1960 artists working in an expanded medium, that encompassed elements of architecture, landscape, nature and traditional sculpture. In the first part of this chapter, the author has referred to two decisions, namely *Kelley v. Chicago Park Dist.*<sup>10</sup> and *Philips v. Pembroke Real Estate Inc.*,<sup>11</sup> and their implications for protection of earthworks have been discussed. Both the precedents have essentially deemed this hybrid art form unprotectable, either under copyright law or under the Visual Artists Rights Act, 1990. The author, in this study, has expressed doubt about whether land art can satisfy the existing requirements for copyright protection in the United States, especially fixation, and explores other forms of protection when traditional copyright claims may not be feasible or successful. Based on this reasoning, the author comes to the conclusion that logically, this new form of hybrid art is not copyrightable. However, two new forms of protection under real property and tort law, have been proposed considering land art’s site-specific aspirations, specifically with respect to the claims of trespass and nuisance.

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<sup>10</sup> 635 F. 3d 290 (7<sup>th</sup> Cir. 2011)

<sup>11</sup> 459 F. 3d 128, 131(1<sup>st</sup> Cir. 2006)

While authoring the second chapter, '*Copyright and conceptual art*,' Shane Burke emphasizes on language as a signature style of conceptual art, arguing that copyright law struggles to protect the artistic authorship inherent in text instructions, used to communicate the work to those who execute its final visual form. He points out that, regardless of whether more traditional or progressive approaches to the legal definition of art are applied, more systematic forms of artistic production currently struggle to be fully protected by copyright law. It is also found that there is a judicial tendency to have an aesthetic bias, when challenged with a visual realization of a textual instruction or character description.

In Chapter 3, Jani McCutcheon describes the wide range of creations that might arguably fall within the definition of bio-art, including art generated in laboratories using biotechnical media and tools, such as tissue, blood, bacteria, plant or other organisms. The author in this chapter demonstrates a disconnection between copyright and a significant proportion of this form of bio-art. This disconnection is primarily due to the issue in categorization of bio-art as an artistic work, within the inflexible framework of most copyright systems. Consequently, it is not only difficult to categorize bio-art, but also there are problems in relation to authorship, originality and the dichotomy between idea and expression. Presently copyright concerns for bio-art are considered mostly peripheral. Many bio-artists, who are not interested in copyright protection, are instead preferring to rely on norms of professional practice.

The cover image of the book is called 'holding hands' created by two graffiti artists Stik and Angel Ortiz. Chapter 4, authored by Enrico Bonadio, examines the intersections between street art, graffiti and copyright. Considering the conflict between the artist's moral right of integrity and the right of the owners of the property upon which the works are positioned, this study explores to what extent copyright law and case law apply to various types of art placed in urban environments, particularly, paintings on walls and other urban surfaces. After demonstrating that a significant number of street and graffiti artworks will satisfy both the originality and fixation requirements for copyright protection, the author reflects how the integrity rights can cope with private property owners'

interests, especially in cases where the work is illegally produced. Enrico Bonadio proposes that appropriate legal measure should be taken to make sure that street and graffiti artists are able to assert and enforce copyright and moral rights against whoever appropriates or damages their works.

In Chapter 5, Yolanda King deals with tattoo art. The author notes that tattoo artists are increasingly claiming copyright protection for tattoos. The author argues that tattoos as a subject matter, fits within traditional conceptions of creativity and satisfies the fixation requirement. Copyright protection of tattoos has been lately the focus of substantial attention, as a result of the litigation pending before United States District Court for the Southern District of New York, between Solid Oak Sketches and the creator of NBA 2K16 video game, in which tattoos of NBA players are depicted.<sup>12</sup> While discussing this litigation, the author refers to the dispute, where tattoo artist, S. Victor Whitmill sued Warner Bros. Entertainment, for copyright infringement of a tattoo authored by Whitmill, for unauthorized copying, distribution and public display of the tattoo in advertising and promoting of the motion picture *'The Hangover Part II'*, which is a comedy.<sup>13</sup> The author explores the categorization of works and the useful doctrine, the issue of originality and fixation as applied to tattoos, as well as problem concerning authorship. She emphasizes tattoos as a form of art that pushes the boundaries of copyrightable subject matter, due to the unique nature of the physical support upon which it is placed, i.e., the human body. King concludes by asserting that tattoos should fall within copyrightable subject matter and US copyright law should be interpreted as protecting tattoos.

Cathay YN Smith in Chapter 6, examines the concerns related to copyright protection of creative designs, presentations of food with special reference to the law of United States, while narrowing down the focus majorly to culinary presentations. The author begins this study, by referring to a tweet made by chef Duff

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<sup>12</sup> Solid Oak Sketches LLC v. Visual Concepts et al. No. 16-00724 (S.D.N.Y. February 1, 2016)

<sup>13</sup> Whitmill v. Warner Bros. Entertainment Inc., 2011 WL 2038147 (E.D. Mo. April 28, 2011), dismissed, No. 4:11-CV-752 CDP (E.D. Mo. June 22, 2011)

Goldman, the original creator of the cake for the presidential inauguration of President Obama and star of the reality TV show 'Ace of Cakes'. She posted a photo of the cake he had created, next to its copy, and stated that the cake used for the presidential inauguration of Donald Trump was an unauthorized, exact duplicate of the one that was used for President Obama. Apart from Goldman's presidential inaugural cake, Thomas Keller's famous Salmon Cornets and a traditional bowl of Vietnamese Pho have also been referred to in the study. The author examines the concepts of originality, work of authorship, fixation and useful article separability to illustrate how culinary presentations are treated by copyright law. In this study, she argues that one of the biggest obstacles to copyright protection of culinary presentation, is the exclusion of useful article. However, the author observes that the US Supreme Court's recent decision in *Star Athletica*<sup>14</sup> has changed the standard of determination, where in, design features of a useful article may be eligible for copyright protection. She also highlights the importance of this decision as a game changer for the protection of culinary presentations under copyright law.

In chapter 7, Luke McDonagh explores the protection of musical works by copyright and in particular, the peculiarities associated with traditional music, a genre that often relies on free sharing of musical elements between creators. The author has analyzed how musicians who add originality to the arrangement of a recorded song, may be entitled to copyright over the arrangement. The author concludes that, while copyright protection is certainly available for traditional music, both a strict enforcement of copyright and the use of alternative licensing systems, will stifle free sharing of traditional music. In the opinion of the author, protection of traditional music through copyright law might not be in the best interests of the process of music creation.

Authored by Giuseppe Mazziotti, Chapter 8 focuses on how copyright systems should deal with improvisation in music. This chapter explains how composing a piece of musical work in an improvisatory manner, without having previously fixed the work into a musical text or another tangible medium, openly challenges

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<sup>14</sup> *Star Athletica LLC. V. Varsity Brands, Inc.* 137 S. Ct. 1002 (2017)

copyright laws. It also clarifies why law of copyright disfavors extemporaneous authorship, in spite of an international legal framework, which is strongly protective of author's rights. This study critically evaluates the impact of the exclusive rights of authors and music publishers on derivative works, taking jazz music as an example of performing art. The author argues that a rigid application of the fixation requirement may leave jazz performers unprotected, especially when they come up with arrangements directly on stage and often do not record their improvised performances. The author has suggested several measures through which copyright systems can provide a wider support to improvised music.

The following chapter, authored by Tom Iverson, focuses on the potential copyright protection of DJ sets and playlists, which are essentially compilations of sound recordings. The author has examined the arguments raised by the parties in *Ministry of Sound v. Spotify*<sup>15</sup> and has provided an overview of the potential types of protection for DJ sets in common law and in civil law systems, as well. He has questioned whether play lists created by DJs, either at parties or for radio stations, may be protected by copyright as original selections and arrangements of songs. He analyses this question by referring to a recent case where Spotify, a music streaming Service Company was sued in the UK, for alleged copyright infringement by a company that manages a well-known London music club.<sup>16</sup> The author argues that DJs are composers of their sets, as well as performing artists and therefore DJ sets and music compilations should be recognized as independent forms.

Chapter 10, authored by Trevor M. Gates, addresses the subject of copyright protection for comedic material, with special reference to the copyright law of United States. In this chapter, the author has examined the requirements for and difficulties in protecting jokes under copyright law. It also looks into how judiciary will handle copyright infringement action between comedians and aims at finding a balance between protection and enforcement. While

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<sup>15</sup> Ministry of Sound Group Ltd. and another v. Spotify Ltd. (Claim No. HC13C03860)

<sup>16</sup> See <https://www.bbc.com/news/business-46646918>

explaining the legal position in United States, the author refers to the recent Ninth Circuit decision of *Kaseberg v. Conaco*<sup>17</sup>. In the copyright infringement action over jokes aired on late-night show *Conan*, the court held that freelance writers' jokes comprising of just two sentences allegedly copied on to *Conan*' show are entitled to 'thin' copyright protection. Trevor Gates proposes that, substantial alteration of copyright law to benefit the comedy industry is not the best solution to help comedians in defending theft of their jokes. The author concludes that there are ways copyright law could be more flexible, in its application to modern comedic material.

In Chapter 11, F. Jay Dougherty explores the potential copyright protection for magic illusions and productions, majorly under US law. The author discusses the scope of protection of magical tricks and illusions of a magician under patent law. At the same time, he explains that magicians may not be interested in obtaining patents, since they may be reluctant in disclosing the specifics of the magical illusion to the public and he suggests that trade secrets protection may be helpful in this regard. While conducting an in depth study, the author starts by reviewing the possible protection of magic pieces (props, devices, costumes and masks) and magical performances (as dramatic works, choreographs and pantomimes or as compilations). This study refers to the decision given in *Rice v. Fox Broad Co.*,<sup>18</sup> where Rice, a magician, accused Fox of infringing his home video production that revealed secrets behind well-known magic tricks. However, the court found no infringement in this case. The second precedent, which was referred to was, *Teller v. Dogge*,<sup>19</sup> in which the magician, whose work was copied without authorization, was successful in the litigation of copyright infringement. Lastly, the author explores the applicability of the principles of performers' rights protection, unfair competition and right of publicity, with respect to securing the legal interests of the magicians and related performers.

The concluding chapter of Part II, authored by Peter Mezei, analyses whether athletes or their coaches should be protected for

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<sup>17</sup> 260 F. Supp. 3d 1229, 1232-3 (S.D. Cal. 2017)

<sup>18</sup> 148 F. Supp. 2d 1029 (C.D. Cal. 2001)

<sup>19</sup> No. 2:2012cv00591 - Document 28 (D. Nev. 2012)

the atomic elements of sport events, and questions whether specific sports moves deserve copyright protection. As a reference for different famous sport moves, the author has elaborated on Bob Cousy's behind-the-back pass in basketball, Antonin Panenka's penalty kick in football, Werner Rittberger's loop lump in ice skating and Dick Fosbury's flip in high jump. This chapter is based on a research conducted by Info Copy Student Research Group in 2016, on the question of functionality of sports and creativity, or originality of sport moves. The research confirmed that majority of sports do not allow enough space for athletic creativity. The author is of the opinion that atomic sport moves are trivial, i.e., *de minimis*. Therefore individual sport moves represent only ideas and definitely do not amount to expression, as understood in copyright law. This study also refers to the statement of policy on the registrations of compilations, published by US Copyright Office in 2012, which excluded 'exercises' from the scope of protected subject matter. The author concludes that atomic sport moves are not protectable, while observing that the choreographies of routine-oriented sports are capable of being protected by copyright law. The status quo is considered appropriate, as overprotection could be detrimental to the functioning of sports.

In the first chapter of Part III, Arul George Scaria and Mathews George have analyzed from the copyright perspective, what typefaces (designs for fonts) are and whether they should be protectable. This chapter examines the status of the subject matter at the international level, specifically, in the United Kingdom, the United States. The authors have looked into what may be protectable (the aesthetic and ornamental features not dictated by functionality) and non-protectable (utilitarian aspects) of typefaces. They have emphasized that legibility is evidently a utilitarian function associated with the design choices for typefaces. This has posed a significant challenge for the acceptance of typeface as a protectable subject matter.

In Chapter 14, Stavorula Karapapa has explored the right to press publications, which has been introduced in countries like Germany and Spain, but which has also attracted severe criticism. The author has deliberated on the press publication right as provided for, in Article 11 of the proposal, for a Directive on Copyright, in the

Digital Single Market. The author is of the opinion that the proposal is not an adequate or proportionate measure for dealing with the crisis in the publishing sector.

Charles Cronin, in chapter 15, has focused on whether fragrances can be protected by copyright or other forms of intellectual property. In this study, the author has elaborated on how the perfume manufacturers have attempted to protect the copying of their fragrances, by claiming they are copyrightable works of expression. By referring to certain interesting decisions by Dutch and French courts, Charles Cronin has explained how the courts entertaining these claims have arrived at absolutely contradictory opinions in this regard. While observing that copyright protection for perfumes faces an unwelcoming stance, the author is of the opinion that this does not constitute a risk to the industry's vitality.

Chapter 16, authored by Teshager Dagne, highlights the concerns related to copyright protection of Computer Aided Design (CAD) files used by the printers. CAD files are necessary components of the 3D printing process, as the file holds the instructions on which the printer relies. The author has illustrated the uncertainty in the legal framework regarding the copyright protection of CAD files. This chapter explores the intersection between copyright laws and 3D printing. The author has delved into the threshold of originality of CAD files, under the legal system of Canada, the United States and the European Union. After analysis, the author is of the opinion that, if a CAD file has been created from the beginning, using design software, then it can be considered original.

The purpose of Nicola Lucchi's chapter on '*Copy rightability of engineered DNA sequences*' is to deliberate on the issue of copyright protection of engineered DNA sequences, artificially created by scientists. The author mentions that this issue originated in the early 1980s, when patentability of bio-technology inventions was an open question. It is also explained that this issue has regained particular relevance following the US Supreme Court decisions in *Mayo Collaborative Services v. Prometheus Laboratories Inc.*<sup>20</sup> and *Association for Molecular Pathology v. Myriad Genetics Inc.*<sup>21</sup> These

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<sup>20</sup> 132 S. Ct. 1289; 182 L. Ed. 2d 321

<sup>21</sup> 133 S. Ct. 2107; 186 L. Ed. 2d 124

decisions have narrowed patent-eligible protection in this area. The author has argued that copyright might turn out to be not only flexible enough to handle contemporary technologies producing living organism, but also socially preferable to patent protection, especially with respect to enhanced chances for users to access and use essential public knowledge assets in the life sciences sector. The author points out that since copyright protection for software occurred after many years of serious debate and discussion, the same for engineered DNA sequences cannot be ruled out.

The final article of part III of this book addresses the buzz topic of copyright protection of work created by artificial intelligence. The starting point of this study is the US Supreme Court decision in *Burrow-Giles-Lithographic Co. v. Sarony*,<sup>22</sup> which dealt with copy rightability of photographs. The author, Massimo Maggiore, has speculated on whether computer generated works, such as 'The Next Rembrandt', can and should be protected by copyright law by explaining the difference between Computer Assisted Works and Computer Generated Works. In his chapter, the author has outlined the traditional human-centric nature of copyright law and explained how this constitutes an obstacle for the protection of computer generated works. After analyzing the centrality of the human author in the traditional conception of copyright, the author questions whether copyright laws should be less strict in terms of 'human' authorship, by allowing the protection of computer generated works. The proposition of Massimo Maggiore is that, there is a need for refocusing the objective of law from the protection of the author, towards the protection of the work. The author suggests that works created by artificial intelligence should be offered a sui genesis right, building on the legislative solution adopted in the United Kingdom

Part IV of this book has dealt with illegality and immorality. Presently, copyright is mostly perceived from a content neutral framework. However, this has not always been the case and the normative debate of whether copyright should limit itself to protect works that benefit the society, remains relevant. Eldar Haber's chapter in this regard, has served as an introduction to the concept

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<sup>22</sup> 111 U.S. 53 (1884)

of illegal works under copyright law. The main focus of this article is on the American legal system. This chapter has offered a classification of different illegal works and provides a foundation for the normative discussion on whether the law should grant rights and remedies for the creator of works, which do not advance knowledge or contribute to society.

In Chapter 20, Enrico Bonadio and Nicola Lucchi have analyzed the connection between pornography and copyright. The authors have restricted the scope of this study to the cases of lawful and consensual pornography and have excluded illegal material, such as child pornography and other sex-related illegal content. After commenting on US, UK and French cases on the copy rightability of obscene works (especially, porn movies), the authors highlight the arguments, both in support and against copyright protection of this controversial subject matter. They explain that no copyright statutes in major jurisdictions expressly refer to any morality requirement. Concluding that copyright laws tend to treat obscene works as any other work, the authors have evaluated the possible arguments in favor or against copyright protection. Their conclusion is a clear defense of a content neutral approach while dealing with pornography.

In the background of the entry of Adolf Hitler's *Mein Kampf* into the public domain, Marc Mimler, in Chapter 21, addresses the question of how to deal with works that promote hate, by focusing on books authored by German Nazi leaders. A major focus of this chapter has been put on discussing the suitability of copyright laws as a tool to regulate hate speech. The author also has raised important questions regarding the extent to which law of copyright can be utilized as an adequate tool for suppressing information. In this regard he suggests that other mechanisms should be deployed, if there is a need for it. The author concludes that while in some circumstances, copyright on Hitler's works has been relied on to generate income, in other cases, copyright has been applied as a tool to restrict access to dissemination of controversial works.

The concluding chapter of this book is authored by Tim Dornis and it provides an economic analysis of non-conventional works. While engaging in economic analysis, the author has identified a gap in the economic understanding of copyright, as a result of the

uniformity trap, i.e., the uniform treatment of divergent scenarios of protection-creativity correlations. On the one hand, it is argued that copyright protection through the grant of a uniformity of rights results in situations of both under and over protection. On the other hand, a tailor-made copyright for each industry and marketplace would entail significant costs and render decision making more difficult. As a solution, the author suggests that in an ideal system, the statutory lawmakers should provide for the fundamental framework of norms. The practical outcome of such a proposal is then evaluated, taking into consideration the examples included in this book. The author concludes that the present copyright system offers various ways to 'thin out' and thereby economically fine tune rights protection.

The chapters in this book constitute a comprehensible collection, that is pertinent not only to those who are captivated by the discussions on boundaries of copyright, but also to anyone who intends to understand copyright as a system. While reviewing the book it is observed that the unity of the topics constitutes the centrality of the book. Even though there are numerous cross references between the chapters, there are occasional repetitions on certain aspects, particularly with respect to the requirements for copyright protection. Since the editors already set the scene for the whole volume in the introductory chapter, the repetition of the basic concepts in almost every chapter could have been avoided.

Undoubtedly, deliberations on protection of unconventional subject matters of copyright can re-calibrate and contribute to a positive change in expanding the peripheries of copyright protection. Over a period of time, copyright law as a sub-set of intellectual property law has mutated to a great extent. This edited volume has served as a fascinating way to capture this certainty. The chapters of this book make it evident that this is the appropriate time to challenge the basic tenets of copyright laws by adopting more flexible and objective ways to categorize protectable works and understand the requirements for protection. At the same time, some contributors have raised doubts regarding the applicability of copyright law as an appropriate instrument to regulate and enforce non-traditional forms of expression.

The Berne Convention for the Protection of Literary and Artistic Works, 1887 provides for a broad and inclusive determination of categories of protectable expression. However, the onus is on individual member states to autonomously decide upon the ambit of their copyright regime. This Convention provides for an inclusive provision in copyright law to accommodate new forms of expression. At the same time, World Intellectual Property Organization Guidelines to the Copyright and Related Rights Treaties suggests providing protection to any original intellectual creation that can be perceived. India is a signatory to the Berne Convention and at the same time it envisages a closed copyright regime. However, with the evolution in technology and consequent forms and modes of expression, it has become *sine qua non* for the legal system to blend in and recognize the possibility of unconventional works coming into existence. In this juncture, reference can be made to the recent inclusion of registration procedure of sound marks in the Trademarks Rules, 2017. Although this instance comes under the purview of trademarks law, the amendment in the Rules recognizes the evolution of modes of expression of intellectual property and the growing contours of law, which is an essential policy implication to debate upon.

Every single chapter of this book contains well thought out and reasoned analysis, coupled with adequate reference to pertinent case-laws. This book contains all the contemporary jargons required to stimulate the minds of anyone excited about debating the scope of copyright protection. While more questions are raised than providing actual answers, these questions will definitely encourage law practitioners, legislators and scholars, to think beyond the traditional contour of copyright protected subject matter and this is precisely the objective of this edited volume.