



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2021 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Can I copyright my own Child after their Birth?

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Received 04 December 2021; *Accepted* 27 December 2021; *Published* 30 December 2021

Our artistic creations might be protected by copyright. Intellectual property rights will cover what we shall make with our art of knowledge. What about my kid, do you ask? They were produced by myself. I was the one who gave birth to them. They are the product of my imagination. Consequently, isn't it reasonable to copyright my invention – my child? Is it a yes or a no? Do you wish to discover the extent of the children's intellectual property rights? As a result, you may or may not be able to copyright them. Isn't that intriguing? It seems to be the case. Everything about your children's copyright notion will be fully described in this post and shared with you. Let's start with the fundamentals of copyright protection.

Keywords: *child, copyright, creation, art.*

INTRODUCTION

Because the first is derived from the second, “copyright” and “copy” are used in the opposite sense. In a more precise definition, “copyright” would be the “right to copy,” which grants the author or an agent chosen by the author exclusive reproduction rights over the work.¹ Copyright is just a legal phrase that refers to the owner of intellectual property, or in other words, the owner of intellectual property. Take a look at the following explanation to help you

¹ ‘What is Copyright?’ (U.S Copyright Office) <<https://www.copyright.gov/what-is-copyright/>> accessed 03 December 2021

better understand the concept of copyright. Whatever is created by someone who has a high degree of mental or intellectual capacity is deemed original. It comprises a broad spectrum of creative works of art, ranging from websites and computer software to song lyrics, art, literature, poetry, graphic designs, musical compositions, and novels and films, among other mediums. The protection of intellectual property also functions as a disincentive against the unauthorized reproduction of an original work.

An Original Work of Authorship is defined as a piece of work created by the mind of a single person (OWA)². For those who have done original work, you have the right to keep it private and prevent others from using, copying, or duplicating it without your permission. To protect their work and get an edge in the legal system, an author might voluntarily register for copyright to save their work and gain an advantage in the legal system. If an inventor registers their work, they have the legal right to sue those who copy it without permission. Theories, domain names, and logos are not covered by copyright since they are not designated trademarks or patents and hence are not protected by copyright³. A physical copy of the work is necessary to get a copyright for any speech, idea, discovery, or other work. Artists and producers must take calculated risks to create one-of-a-kind masterpieces⁴ that cannot be duplicated.

WHICH THINGS INCLUDES IN COPYRIGHT?

Work must be the author's original invention to be protected by copyright. Because of this restriction, only the work's original creator or a representative of its author may get copyright. You will not get copyright by plagiarizing another person's work. There are several different job categories. The following types of works are protected under copyright legislation:

² 'Original work of Authorship Law and Legal Definition' (*U.S. Legal*)

<<https://definitions.uslegal.com/o/original-work-of-authorship/>> accessed 3 December 2021

³ Keshav Lahoti, 'Is a web address (domain name) subject to a copyright law?' (*LinkedIn*, 16 September 2020)

<<https://www.linkedin.com/pulse/web-address-domain-name-subject-copyright-law-keshav-lahoti/>> accessed 03 December, 2021

⁴ *Ibid*

- Literature is a powerful tool. Writing literature in various formats such as novellas or short tales, poetry or essays, catalogs, speeches, and computer programs is possible.⁵
- The music category contains both musical notation and text used in conjunction with the music.⁶
- Dramatic and literary arts are included. Stage shows, operas, screenplays, and any accompanying music are included in this classification.⁷
- Works in the Choreographic and Pantomime Arts This piece does not allude to well-known dancing movements.⁸
- All types of art, including graphic, sculptural, and pictorial works, are encouraged to participate. A variety of mediums are represented in the collection: sketches and drawings, cartoons, paintings and photos, slides and greeting cards, architectural and technical drawings, maps and globes, etc.⁹
- The creation of motion pictures and other works of audiovisual art Films, videos, and film strips may be found in this section.¹⁰
- Soundtracks¹¹, music, chat, and sound effects have all been recorded and downloaded. Intellectual property rights may protect natural sounds such as thunder and animal noises.
- Compilations. When you compile a collection of other people’s work on your own, you have the legal right to copyright it. It might be anything from tree poetry to the best cancer physicians in the country.¹²

It is not permitted to incorporate copyrighted material in a poetry book without the express permission of the original copyright holder. You may, however, be authorized to use poetry that has been out of publication for some time. Your copyright would apply to the collection

⁵ LegalZoom Staff, ‘What Can Be Copyrighted?’ (*LegalZoom*, 9 July 2021) <<https://www.legalzoom.com/articles/what-can-be-copyrighted>> accessed 03 December 2021

⁶ *Ibid*

⁷ *Ibid*

⁸ *Ibid*

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ *Ibid*

¹² *Ibid*

rather than to each poem in it. You would be unable to prevent someone else from compiling a list of doctors similar to yours. Because it is only a list of facts, it could be expanded to include a list of all cancer doctors in the United States, which would be a significant improvement. The greatest may be chosen to prevent others from replicating your list, which is subjective and not based on facts¹³.

Adaptations and Remixes¹⁴ are two different things. If a copyrighted work is based on one or more previously published works, it may include an “original piece of authorship” distinct from the rest of the work. Works in the public domain, such as the Mona Lisa and the Venus de Milo¹⁵, may be freely copied and distributed. Copyright for artworks such as the Mona Lisa or the Venus de Milo may be protected if a new replica or photograph of the artwork is created or taken. While the Mona Lisa and the Venus de Milo are not protected by copyright, the artwork’s creative derivations and the perspective and lighting of the photograph are protected by copyright.

The architectural design of a building and the protection afforded by copyright pertained only to the drawings employed in constructing a building, not to the actual structure. Several fascinating disputes ensued, in which copyrighted plans could only be shown to have been copied if it could be established that they had been copied. The Architectural Works Copyright Protection Act of 1990¹⁶ provided legal protection for architectural works of art. The United States pursued this course of action to comply with the Berne Convention. Using a

¹³ Joan S. Ash, Marc Berg, and Enrico Coiera, ‘Some unintended consequences of information technology in health care: the nature of patient care information system-related errors’ (*Oxford Academic: Jamia*, 1 March 2004) <<https://academic.oup.com/jamia/article-abstract/11/2/104/882373>> accessed 03 December 2021

¹⁴ Jeniffer Van Allen, and Stacy Katz, ‘Teaching with OER during pandemics and beyond’ (*Emerald Insight*, 11 December 2020) <https://www.emerald.com/insight/content/doi/10.1108/JME-04-2020-0027/full/html?fbclid=IwAR3rOZ8oSfmsLx7vEqzti3wymGHwfmqGfFmiTePLdXLfQ7k7HJJoq8Zi2a18&utm_source=TrendMD&utm_medium=cpc&utm_campaign=Journal_for_Multicultural_Education_TrendMD_1&WT.mc_id=Emerald_TrendMD_1> accessed 03 December 2021

¹⁵ Jonathan Barrett, ‘Selfies in the public art gallery and copyright permissions’ (*Elegraonline*, May 2021) <<https://www.elgaronline.com/view/journals/qmjip/11-2/qmjip.2021.02.03.xml>> accessed 03 December 2021

¹⁶ Todd Hixon, ‘The Architectural Works Copyright Protection Act of 1990: At Odds with the Traditional Limitations of American Copyright Law’ (*Heinonline*) <https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/arz37§ion=47> accessed 3 December 2021

Semiconductor Chip Mask is a simple process. The Semiconductor Chip Protection Act¹⁷ (1984) protects semiconductor chip designs from being copied or imitated. No matter how varied the protection is, the Copyright Office controls the process in a way that is similar to how copyrights are managed.

WHOM SHOULD I CALL A CHILD?

Biology defines a child as a human being who develops from birth to puberty throughout development to puberty. In this context, “child” refers to a person under 18 or any other legally-established minimum age in their jurisdiction. Children are defined as everyone under the age of 18 in accordance with the United Nations Convention on the Rights of the Child unless otherwise stipulated by law. This has been approved by 192 of the 194 member nations of the United Nations Organization.¹⁸ It’s likely that when you say “child,” you’re referring to someone who is under the legal age restriction for that particular age group. In Singapore, for example, the “Children and Young Persons Act” defines a child as anybody under the age of fourteen, even though the legal majority age in the country is twenty-one years old. When it comes to immigration law in the United States, a person under 21 is referred to as a “kid.”

Numerous English dictionaries include the word “child” in their definitions of a fetus, including the Oxford English Dictionary (sometimes termed the unborn). In many cultures, children are not considered adults until they have completed a rite of passage, which may or may not be related to puberty’s onset in some instances. Regardless of whether their parents divorce, children are afforded fewer rights than adults and are regarded incapable of making important decisions on their own in many situations. Consequently, children must always be in the care of a responsible adult or be in the custody of a court of competent jurisdiction. During the sixteenth and seventeenth centuries, the concept of childhood as a separate stage from maturity became popular. Rather than seeing children as miniature adults, people considered them as less developed humans needing adult care, compassion, and nurture.

¹⁷ Robert W. Kestenmeier, and Michael J. Remington, ‘The Semiconductor Chip Protection Act of 1984: A Swamp or Firm Ground’ (*Heinonline*) <https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/mnlr70§ion=19> accessed 03 December 2021

¹⁸ *Ibid*

Children are shown as tiny adults in middle Ages art, as though they had lost all of their childhood characteristics. In the sixteenth century, children's portraits began to take on a more innocent appearance, which has continued today. Paintings and pictures from the late 17th century were the first to depict toys for children, followed by children's literature in the 18th century.

WHO IS THE REASON FOR A CHILD'S BIRTH?

Parents are the reason for what we are here. Yes, our parents helped us take birth on this earth; they helped us be human. But, to be honest, for regular human reproduction to occur, both male and female reproductive cells¹⁹ must be present for the process to be effective. In response to the fertilization of an egg, the cells in this group come together to form a baby. After the fertilized egg has been implanted in the uterus, becoming pregnant may begin to take place. The embryo is nourished with sustenance and support throughout development and maturation into a fully functional organism. The origin's eyes, limbs, and organs begin to form throughout the embryo's evolution into a fetus. Unborn children are housed in their mother's uterus from conception until she gives birth to them. During this time period, all of the body's processes, including the reproductive system, have progressed to the point that they can assist in the formation of another human being if the situation calls for it.

IS A CHILD THE PROPERTY OF PARENTS?

Nobody has any children to call their own to reach their own. If parents and grandparents want to raise their children in a loving and caring environment, they must ensure they get the proper care, counsel, mentoring, grooming, and other forms of guidance. According to scientific theory, this is how the planet was produced in its infancy. To care for their children's essential needs, which include love and respect for one another and safety, and providing them with nutritious food and other necessities, families owe a moral commitment. The responsibility to search for elderly parents and grandparents begins when children attain the legal age of adulthood in their native country or are legally recognized as an adult by local

¹⁹Egg to Embryo to Fetus: The Reproduction and Development Process' (*Visible Body*, 2021)
<<https://www.visiblebody.com/learn/reproductive/reproductive-process>> accessed 03 December 2021

laws and regulations, whichever comes first. It continues to be practiced even though many teens are leaving home to pursue better education and employment prospects and that they only sometimes return to their family in India. Young people in the United States are breaking the law when they leave their homes to seek a brighter future since there are no rules to prevent them from doing so. Children in India whose parents abandoned may suffer legal implications due to the abandonment by their parent(s). This issue has been addressed by the International Criminal Court, which has developed the Prevention of Atrocities Against Children Act²⁰, which is overseen by the Court (IPC).

However difficult their circumstances may be, even the poorest Indian parents can provide their children with a loving home and the most basic requirements such as clothes, schooling, and recreational opportunities. In contrast, according to a study, many young individuals express a lack of excitement for caring for their aging parents or old grandparents regardless of their age. For many families, the nuclear family structure is becoming increasingly common as the primary family form they belong to. Parental responsibilities²¹ include raising their children to the best of their abilities²², regardless of what the future has in store for them. If you are even the smallest of people, it is your job to see that your obligations are met²³.

IS A CHILD AN OBJECT WHICH CAN BE COPYRIGHTED BY PARENTS?

One's kid is not the property of their parents, nor do they have any obligation to them whatsoever. Even though they were traditionally categorized as chattels, they are no longer considered personal property by most countries throughout the globe, notwithstanding their historical classification²⁴. The consensus in the twenty-first century is that children are distinct

²⁰ D Grubin, 'Sex offending against children: Understanding the risk' (*U.S. Department Of Justice: Office of Justice Program, 1998.*) <<https://www.ncjrs.gov/app/abstractdb/AbstractDBDetails.aspx?id=177648>> accessed 03 December 2021

²¹ Andrea Doucet, 'Parental responsibilities: Dilemmas of measurement and gender equality' (*Wiley Online Library, 14 January 2015*) <<https://onlinelibrary.wiley.com/doi/abs/10.1111/jomf.12148>> accessed 03 December 2021

²² *Ibid*

²³ *Ibid*

²⁴ Barbara Bennett Woodhouse 'William And Mary Law Review: Who Owns the Child: Meyer and Pierce and the Child as Property' (*Heinonline*)<https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/wmlr33§ion=35> accessed 03 December 2021

individuals with distinct interests who, when it comes to health care, should be placed at the center of the doctor-patient interaction rather than at the periphery of it. However, there is some disagreement about whether this is true. However, there is significant controversy as to whether or not this is the case in this instance. According to the medical expert's perspective, the patient is treated as if they were an innocent child. Understanding one's ethical responsibilities and constraints are critical for establishing the doctor-patient connection appropriately and simply. Even if parental participation in a child's treatment is essential to their development, the physician's primary fiduciary obligation is to the child.

CONCLUSION

The child is a genuine human being, not a work of art or any other kind of component that may be protected by intellectual property rights (copyright). No one in the world has the right to copyright intellectual property rights do not protect their child since children themselves. Their mother gave birth to them means that we cannot copyright the child that we now have. Doing a simple DNA test on a child makes it feasible to discover who their biological parent is. It seems unlikely that intellectual property rights development will ever become a reality since it is an ethereal concept that will never be realized. Now, if someone feels that their parents were the cause of their birth, the question of whether intimacy is an art form that intellectual property rights can protect would arise. The response is a resounding "NO." Consequently, intellectual property rights do not protect the children in this situation as the property of their parents.