The Copyright Act, 1957

Act 14 of 1957. 105 sections. Bare Act with the official footnotes.

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[4th June, 1957.]

An Act to amend and consolidate the law relating to copyright.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Section 1. Short title, extent and commencement

(1) This Act may be called the Copyright Act, 1957.

(2) It extends to the whole of India.

(3) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

[1] 21st January, 1958, vide notifin. No. S.R.O 269, dated 21st January 1958, see Gazette of India, Extraordinary, Part II, sec. 3.

Section 2. Interpretation

In this Act, unless the context otherwise requires,-

(a) "adaptation" means,-

(i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;

(ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;

(iii) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; [1]***

(iv) in relation to a musical work, any arrangement or transcription of the work; [2][and]

[2][(v) in relation to any work, any use of such work involving its re-arrangement or alteration;]

[3][(aa) "Appellate Board" means the Appellate Board referred to in section 11;]

(b) [4][work of architecture] means any building or structure having an artistic character or design, or any model for such building or structure;

(c) "artistic work" means,-

(i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;

(ii) an [3][work of architectural]; and

(iii) any other work of artistic craftsmanship;

(d) "author" means,-

(i) in relation to literary or dramatic work, the author of the work;

(ii) in relation to a musical work, the composer;

(iii) in relation to an artistic work other than a photograph, the artist;

(iv) in relation to a photograph, the person taking the photograph;

[5][(v) in relation to a cinematograph film or sound recording, the producer; and

(vi) in relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created;]

[6][(dd) "broadcast" means communication to the public-

(i) by any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images; or

(ii) by wire,

and includes a re-broadcast;]

(e) "calendar year" means the year commencing on the 1st day of January;

[7][(f) "cinematograph film" means any work of visual recording [8]*** and includes a sound recording accompanying such visual recording and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography including video films;]

[9][(fa) "commercial rental" does not include the rental, lease or lending of a lawfully acquired copy of a computer programme, sound recording, visual recording or cinematograph film for non-profit purposes by a non-profit library or non-profit educational institution.

Explanation.-For the purposes of this clause, a "non-profit library or non-profit educational institution" means a library or educational institution which receives grants from the Government or exempted from payment of tax under the Income-tax Act, 1961 (43 of 1961).]

[10][(ff) "communication to the public" means making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available.

Explanation.-For the purposes of this clause, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public;]

(g) "delivery", in relation to a lecture, includes delivery by means of any mechanical instrument or by [11][broadcast];

(h) "dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematograph film;

[12][(hh) "duplicating equipment" means any mechanical contrivance or device used or intended to be used for making copies of any work;]

(i) "engravings" include etchings, lithographs, wood-cuts, prints and other similar works, not being photographs;

(j) "exclusive licence" means a licence which confers on the licensee or on the licensee and persons authorised by him, to the exclusion of all other persons (including the owner of the copyright), any right comprised in the copyright in a work, and "exclusive licensee" shall be construed accordingly;

(k) "Government work" means a work which is made or published by or under the direction or control of-

(i) the Government or any department of the Government;

(ii) any Legislature in India;

(iii) any court, tribunal or other judicial authority in India;

[13][(l) "Indian work" means a literary, dramatic or musical work,-

(i) the author of which is a citizen of India; or

(ii) which is first published in India; or

(iii) the author of which, in the case of an unpublished work, is, at the time of the making of the work, a citizen of India;]

[14][(m) "infringing copy" means-

(i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematographic film;

(ii) in relation to a cinematographic film, a copy of the film made on any medium by any means;

(iii) in relation to a sound recording, any other recording embodying the same sound recording, made by any means;

(iv) in relation to a programme or performance in which such a broadcast reproduction right or a performer's right subsists under the provisions of this Act, the sound recording or a cinematographic film of such programme or performance,

if such reproduction, copy or sound recording is made or imported in contravention of the provisions of this Act;]

(n) "lecture" includes address, speech and sermon;

[15][(o) "literary work" includes computer programmes, tables and compilations including computer [16][databases];]

[17][(p) "musical work" means a work consisting of music and includes any graphical notation of such work but does not include any words or any action intended to be sung, spoken or performed with the music;]

[18][(q) "performance", in relation to performer's right, means any visual or acoustic presentation made live by one or more performers;]

[19][(qq) "performer" includes an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecture or any other person who makes a performance;]

[20]* * * * *

(s) "photograph" includes photo-lithograph and any work produced by any process analogous to photography but does not include any part of a cinematograph film;

(t) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative, [21][duplicating equipment] or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which [22][sound recording] for the acoustic presentation of the work are or are intended to be made;

(u) "prescribed" means prescribed by rules made under this Act;

[23][(uu) "producer", in relation to a cinematograph film or sound recording, means a person who takes the initiative and responsibility for making the work;]

[24]* * * * *

[25]* * * * *

[26][(x) "reprography" means the making of copies of a work, by photocopying or similar means;

[27][(xa) "Right Management Information" means,-

(a) the title or other information identifying the work or performance;

(b) the name of the author or performer;

(c) the name and address of the owner of rights;

(d) terms and conditions regarding the use of the rights; and

(e) any number or code that represents the information referred to in sub-clauses (a) to (d),

but does not include any device or procedure intended to identify the user;]

(xx) "sound recording" means a recording of sounds from which such sounds may be produced regardless of the medium on which such recording is made or the method by which the sounds are produced;]

[27][(xxa) "visual recording" means the recording in any medium, by any method including the storing of it by any electronic means, or moving images or of the representations thereof, from which they can be perceived, reproduced or communicated by any method.]

(y) "work" means any of the following works, namely:-

(i) a literary, dramatic, musical or artistic work;

(ii) a cinematograph film;

(iii) [22][sound recording];

(z) "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors;

(za) "work of sculpture" includes casts and models.

[1] The word "and" omitted by Act 38 of 1994, s. 2 (w.e.f. 10-5-1995).
[2] Ins. by s. 2, ibid. (w.e.f. 10-5-1995).
[3] Ins. by Act 7 of 2017, s. 160 (w.e.f. 26-5-2019).
[4] Subs. by Act 38 of 1994, s. 2, for "architectural work of art" (w.e.f. 10-5-1995).
[5] Subs. by s. 2, ibid., for sub-clauses (v) and (vi) (w.e.f. 10-5-1995)
[6] Ins. by Act 23 of 1983, s. 3 (w.e.f. 9-8-1984).
[7] Subs. by Act 38 of 1994, s. 2, for clause (f) (w.e.f. 10-5-1995).
[8] The words "on any medium produced through a process from which a moving image may be produced by any means" omitted by Act 27 of 2012, s. 2 (w.e.f. 21-6-2012).
[9] Ins. by s. 2, ibid. (w.e.f. 21-6-2012).
[10] Subs. by s. 2, ibid., for clause (ff) (w.e.f. 21-6-2012).
[11] Subs. by Act 23 of 1983, s. 2, for "radio-diffusion" (w.e.f. 9-8-1984).
[12] Ins. by Act 65 of 1984, s. 2 (w.e.f. 8-10-1984).
[13] Subs. by Act 23 of 1983, s. 2, for clause (l) (w.e.f. 9-8-1984).
[14] Subs. by Act 38 of 1994, s. 2, for clause (m) (w.e.f. 10-5-1995).
[15] Subs. by s. 2, ibid., for clause (o) (w.e.f. 10-5-1995).
[16] Subs. by Act 49 of 1999, s. 2, for "data basis" (w.e.f. 15-1-2000).
[17] Subs. by Act 38 of 1994, s. 2, for clause (p) (w.e.f. 10-5-1995).
[18] Subs. by s. 2, ibid., for clause (q) (w.e.f. 10-5-1995).
[19] Ins. by s. 2, ibid. (w.e.f. 10-5-1995).
[20] Cl. (r) omitted by s. 2, ibid. (w.e.f. 10-5-1995).
[21] Ins. by Act 65 of 1984, s. 2 (w.e.f. 8-10-1984).
[22] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).
[23] Ins. by s. 2, ibid. (10-5-1995).
[24] Cl. (v) omitted by Act 23 of 1983, s. 2 (w.e.f. 9-8-1984).
[25] Cl. (w) omitted by Act 38 of 1994, s. 2 (w.e.f. 10-5-1995).
[26] Subs. by s. 2, ibid., for clause (x) (w.e.f. 10-5-1995).
[27] Ins. by Act 27 of 2012, s. 2 (w.e.f. 21-6-2012).

Section 3. Meaning of publication

[1][For the purposes of this Act, "publication" means making a work available to the public by issue of copies or by communicating the work to the public.]

[1] Subs. by Act 38 of 1994, s. 3, for section 3 (w.e.f. 10-5-1995).

Section 4. When work not deemed to be published or performed in public

Except in relation to infringement of copyright, a work shall not be deemed to be published or performed in public, if published, or performed in public, without the licence of the owner of the copyright.

Section 5. When work deemed to be first published in India

For the purposes of this Act, a work published in India shall be deemed to be first published in India, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work shall be deemed to be published simultaneously in India and in another country if the time between the publication in India and the publication in such other country does not exceed thirty days or such other period as the Central Government may, in relation to any specified country, determine.

Section 6. Certain disputes to be decided by [1][Appellate Board]

[2][If any question arises-

(a) whether a work has been published or as to the date on which a work was published for the purposes of Chapter V, or

(b) whether the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Act, it shall be referred to the [1][Appellate Board] constituted under section 11 whose decision thereon shall be final:

Provided that if in the opinion of the [1][Appellate Board], the issue of copies or communication to the public referred

to in section 3 was of an insignificant nature, it shall not be deemed to be publication for the purposes of that section.]

[1] Subs. by Act 7 of 2017, s. 160, for "Copyright Board" (w.e.f. 26-5-2017).
[2] Subs. by Act 38 of 1994, s. 4, for section 6 (w.e.f. 10-5-1995).

Section 7. Nationality of author where the making of unpublished work is extended over considerable period

Where, in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall, for the purposes of this Act, be deemed to be a citizen of, or domiciled in, that country of which he was a citizen or wherein he was domiciled during any substantial part of that period.

Section 8. Domicile of corporations

For the purposes of this Act, a body corporate shall be deemed to be domiciled in India if it is incorporated under any law in force in India.

CHAPTER II

Section 9. Copyright Office

(1) There shall be established for the purposes of this Act an office to be called the Copyright Office.

(2) The Copyright Office shall be under the immediate control of the Registrar of Copyrights who shall act under the superintendence and direction of the Central Government.

(3) There shall be a seal for the Copyright Office.

Section 10. Registrar and Deputy Registrars of Copyrights

(1) The Central Government shall appoint a Registrar of Copyrights and may appoint one or more Deputy Registrars of Copyrights.

(2) A Deputy Registrar of Copyrights shall discharge under the superintendence and direction of the Registrar of Copyrights such functions of the Registrar under this Act as the Registrar may, from time to time, assign to him; and any reference in this Act to the Registrar of Copyrights shall include a reference to a Deputy Registrar of Copyrights when so discharging any such functions.

Section 11. Appellate Board

[1][(1) The Appellate Board established under section 83 of the Trade Marks Act, 1999 (47 of 1999) shall, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017, be the Appellate Board for the purposes of this Act and the said Appellate Board shall exercise the jurisdiction, powers and authority conferred on it by or under this Act.]

[1] Subs. by s. 160, ibid., for section 11 (w.e.f. 26-5-2017).

Section 12. Powers and procedure of [1][Appellate Board]

(1) The [1][Appellate Board] shall, subject to any rules that may be made under this Act, have power to regulate its own procedure, including the fixing of places and times of its sittings:

Provided that the [2][Appellate Board] shall ordinarily hear any proceeding instituted before it under this Act within the zone in which, at the time of the institution of the proceeding, the person instituting the proceeding actually and voluntarily resides or carries on business or personally works for gain.

Explanation.-In this sub-section "zone" means a zone specified in section 15 of the States Reorganisation Act, 1956 (37 of 1956).

(2) The [2][Appellate Board] may exercise and discharge its powers and functions through Benches constituted by the Chairman of the [2][Appellate Board] from amongst its [3][members]:

[4][Provided that, if the Chairman is of opinion that any matter of importance is required to be heard by a larger bench, he may refer the matter to a special bench consisting of five members.]

[5]* * * * *

[5]* * * * *

(5) No member of the [2][Appellate Board] shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.

(6) No act done or proceeding taken by the [2][Appellate Board] under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

(7) The [2][Appellate Board] shall be deemed to be a civil court for the purposes of [6][sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974)] and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

[1] Subs. by Act 7 of 2017, s. 160, for "Copyright Board" (w.e.f. 26-5-2017).
[2] Subs. by Act 7 of 2017, s. 160, for "Copyright Board" (w.e.f. 26-5-2017).
[3] Subs. by Act 27 of 2012, s. 4, for "members, each Bench consisting of not less than three members" (w.e.f. 21-6-2012).
[4] Ins. by Act 38 of 1994, s. 6 (w.e.f. 10-5-1995).
[5] Ss. (3) and (4) omitted by Act 7 of 2017, s. 160 (w.e.f. 26-5-2017).
[6] Subs. by Act 23 of 1983, s. 6, for "sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 9-8-1984).

CHAPTER III COPYRIGHT

Section 13. Works in which copyright subsists

(1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,-

(a) original literary, dramatic, musical and artistic works;

(b) cinematograph films; and

(c) [1][sound recording].

(2) Copyright shall not subsist in any work specified in sub-section (1), other than a work to which the provisions of section 40 or section 41 apply, unless-

(i) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;

(ii) in the case of an unpublished work other than an [2][work of architecture], the author is at the date of making of the work a citizen of India or domiciled in India; and

(iii) in the case of an [2][work of architecture], the work is located in India.

Explanation.-In the case of a work of joint authorship, the conditions conferring copyright specified in this sub-section shall be satisfied by all the authors of the work. (3) Copyright shall not subsist-

(a) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;

(b) in any [3][sound recording] made in respect of a literary, dramatic or musical work, if in making the [3][sound recording], copyright in such work has been infringed.

(4) The copyright in a cinematograph film or a [3][sound recording] shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or, as the case may be, the [3][sound recording] is made.

(5) In the case of a [4][work of architecture], copyright shall subsist only in the artistic character and design and shall not extend to processes or methods of construction.

[1] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).
[2] Subs. by s. 2, ibid., for "architectural work of art" (w.e.f. 10-5-1995).
[3] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).
[4] Subs. by s. 2, ibid., for "architectural work of art" (w.e.f. 10-5-1995).

Section 14. Meaning of copyright

[1][For the purposes of this Act, "copyright" means the exclusive right subject to the provisions of this Act, to do or authorise the doing of any of the following acts in respect of a work or any substantial part thereof, namely-

(a) in the case of a literary, dramatic or musical work, not being a computer programme,-

(i) to reproduce the work in any material form including the storing of it in any medium by electronic means;

(ii) to issue copies of the work to the public not being copies already in circulation;

(iii) to perform the work in public, or communicate it to the public;

(iv) to make any cinematograph film or sound recording in respect of the work;

(v) to make any translation of the work;

(vi) to make any adaptation of the work;

(vii) to do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi);

(b) in the case of a computer programme,-

(i) to do any of the acts specified in clause (a);

[2][(ii) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programmer:

Provided that such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.]

(c) in the case of an artistic work,-

[3][(i) to reproduce the work in any material form including-

(A) the storing of it in any medium by electronic or other means; or

(B) depiction in three-dimensions of a two-dimensional work; or

(C) depiction in two-dimensions of a three-dimensional work;]

(ii) to communicate the work to the public;

(iii) to issue copies of the work to the public not being copies already in circulation;

(iv) to include the work in any cinematograph film;

(v) to make any adaptation of the work;

(vi) to do in relation to an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (iv);

(d) in the case of a cinematograph film,-

[4][(i) to make a copy of the film, including-

(A) a photograph of any image forming part thereof; or

(B) storing of it in any medium by electronic or other means;]

[5][(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film.]

(iii) to communicate the film to the public;

(e) in the case of a sound recording,-

(i) to make any other sound recording embodying it [6][including storing of it in any medium by electronic or other means];

[7][(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording;]

(iii) to communicate the sound recording to the public.

Explanation.-For the purposes of this section, a copy which has been sold once shall be deemed to be a copy already in circulation.]

[1] Subs. by s. 7, ibid., for section 14 (w.e.f. 10-5-1995).
[2] Subs. by Act 49 of 1999, s. 3, for sub-clause (ii) (w.e.f. 15-1-2000).
[3] Subs. by Act 27 of 2012, s. 5, for clause (c) (w.e.f. 21-6-2012).
[4] Subs. by Act 27 of 2012, s. 5, for clause (d) (w.e.f. 21-6-2012).
[5] Subs. by s. 5, ibid., for sub-clause (ii) (w.e.f. 21-6-2012).
[6] Ins. by s. 5, ibid. (w.e.f. 21-6-2012).
[7] Subs. by s. 5, ibid., for sub-clause (ii) (w.e.f. 21-6-2012).

Section 15. Special provision regarding Copyright in designs registered or Capable of being registered under the [1]*** [2][Designs Act, 2000 (16 of 2000)]

(1) Copyright shall not subsist under this Act in any design which is registered under the [1]*** [2][Designs Act, 2000 (16 of 2000)].

(2) Copyright in any design, which is capable of being registered under the [1]*** [2][Designs Act, 2000 (16 of 2000)], but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his licence, by any other person.

[1] The words "Indian Patents and" omitted by Act 23 of 1983, s. 7 (w.e.f. 9-8-1984).
[2] Subs. by Act 27 of 2012, s. 6, for "Designs Act, 1911 (2 of 1911)" (w.e.f. 21-6-2012).

Section 16. No copyright except as provided in this Act

No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

CHAPTER IV OWNERSHIP OF COPYRIGHT AND THE RIGHTS OF THE OWNER

Section 17. First owner of copyright

Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that-

(a) in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

(b) subject to the provisions of clause (a), in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(c) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

[1][(cc) in the case of any address or speech delivered in public, the person who has delivered such address or speech or if such person has delivered such address or speech on behalf of any other person, such other person shall be the first owner of the copyright therein notwithstanding that the person who delivers such address or speech, or, as the case may be, the person on whose behalf such address or speech is delivered, is employed by any other person who arranges such address or speech or on whose behalf or premises such address or speech is delivered;]

(d) in the case of a Government work, Government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

[1][(dd) in the case of a work made or first published by or under the direction or control of any public undertaking, such public undertaking shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

Explanation.-For the purpose of this clause and section 28A, "public undertaking" means-

(i) an undertaking owned or controlled by Government; or

(ii) a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956); or

(iii) a body corporate established by or under any Central, Provincial or State Act;]

(e) in the case of a work to which the provisions of section 41 apply, the international organisation concerned shall be the first owner of the copyright therein;

[2][Provided that in case of any work incorporated in a cinematograph work, nothing contained in clauses (b) and (c) shall affect the right of the author in the work referred to in clause (a) of sub-section (1) of section 13.]

[1] Ins. by Act 23 of 1983, s. 8 (w.e.f. 9-8-1984).

[2] Ins. by Act 27 of 2012, s. 7 (w.e.f. 21-6-202).

Section 18. Assignment of copyright

(1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof:

Provided that in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence.

[1][Provided further that no such assignment shall be applied to any medium or mode of exploitation of the work which did not exit or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work:

Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilisation of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copyright society for collection and distribution and any

agreement to contrary shall be void:

Provided also that the author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilisation of such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void.]

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of copyright and the provisions of this Act shall have effect accordingly.

(3) In this section, the expression "assignee" as respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

[1] Ins. by s. 8, ibid. (w.e.f. 21-6-2012).

Section 19. Mode of assignment

[1][(1)] No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorised agent.

[2][(2) The assignment of copyright in any work shall identify such work, and shall specify the rights assigned and the duration and territorial extent of such assignment.

(3) The assignment of copyright in any work shall also specify the amount of [3][royalty and any other consideration payable], to the author or his legal heirs during the currency of the assignment and the assignment shall be subject to revision, extension or termination on terms mutually agreed upon by the parties.

(4) Where the assignee does not exercise the rights assigned to him under any of the other sub-sections of this section within period of one year from the date of assignment, the assignment in respect of such right shall be deemed to have lapsed after the expiry of the said period unless otherwise specified in the assignment.

(5) If the period of assignment is not stated, it shall be deemed to be five years from the date of assignment.

(6) If the territorial extent of assignment of the rights is not specified, it shall be presumed to extend within India.

(7) Nothing in sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) or sub-section (6) shall be applicable to assignments made before the coming into force of the Copyright (Amendment) Act, 1994].

[4][(8) The assignment of copyright in any work contrary to the terms and conditions of the rights already assigned to a copyright society in which the author of the work is a member shall be void.

(9) No assignment of copyright in any work to make a cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilisation of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.

(10) No assignment of the copyright in any work to make a sound recording which does not form part of any cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable for any utilisation of such work in any form.]

[1] S.19 re-numbered as sub-section (1) thereof by Act 23 of 1983, s. 9 (w.e.f. 9-8-1984).
[2] Subs. by Act 38 of 1994, s. 8, for sub-section (2) (w.e.f. 10-5-1995).
[3] Subs. by Act 27 of 2012, s. 9, for "royalty payable, if any" (w.e.f. 21-6-2012).
[4] Ins. by s. 9, ibid. (w.e.f. 21-6-2012).

Section 19A. Disputes with respect to assignment of copyright

[1][(1) If an assignee fails to make sufficient exercise of the rights assigned to him, and such failure is not attributable to any act or omission of the assignor, then, the [2][Appellate Board] may, on receipt of a complaint from the assignor and after holding such inquiry as it may deem necessary, revoke such assignment.

(2) If any dispute arises with respect to the assignment of any copyright, the [2][Appellate Board] may, on receipt of a complaint from the aggrieved party and after holding such inquiry as it considers necessary, pass such order as it may deem fit including an order for the recovery of any royalty payable:

Provided that the [2][Appellate Board] shall not pass any order under this sub-section to revoke the assignment unless it is satisfied that the terms of assignment are harsh to the assignor in case the assignor is also the author:

[3][Provided further that, pending the disposal of an application for revocation of assignment under this sub-section, the [4][Appellate Board] may pass such order, as it deems fit regarding implementation of the terms and conditions of assignment including any consideration to be paid for the enjoyment of the rights assigned:

Provided also that] no order of revocation of assignment under this sub-section, shall be made within a period of five

years from the date of such assignment.]

[5][(3) Every complaint received under sub-section (2) shall be dealt with by the [4][Appellate Board] as far as possible and efforts shall be made to pass the final order in the matter within a period of six months from the date of receipt of the complaint and any delay in compliance of the same, the [4][Appellate Board] shall record the reasons thereof.]

[1] Subs. by Act 38 of 1994, s. 9, for section 19A (w.e.f. 10-5-1995).
[2] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[3] Subs. by Act 27 of 2012, s. 10, for "Provided further that" (w.e.f. 21-6-2012).
[4] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[5] Ins. by Act 27 of 2012, s. 10 (w.e.f. 21-6-2012).

Section 20. Transmission of copyright in manuscript by testamentary disposition

Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless the contrary intention is indicated in the testator's will or any codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

Explanation.-In this section, the expression "manuscript" means the original document embodying the work, whether written by hand or not.

Section 21. Right of author to relinquish copyright

(1) The author of a work may relinquish all or any of the rights comprised in the copyright in the work by giving notice in the prescribed form to [1][the Registrar of Copyrights or by way of public notice] and thereupon such rights shall, subject to the provisions of sub-section (3), cease to exist from the date of the notice.

(2) On receipt of a notice under sub-section (1), the Registrar of Copyrights shall cause it to be published in the Official Gazette and in such other manner as he may deem fit.

[2][(2A) The Registrar of Copyright shall, within fourteen days from the publication of the notice in the Official Gazette, post the notice on the official website of the Copyright Office so as to remain in the public domain for a period of not less than three years.]

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of notice referred to in sub-section (1).

[1] Subs. by s. 11, ibid., for "Registrar of Copyright" (w.e.f. 21-6-2012).
[2] Ins. by s. 11, ibid. (w.e.f. 21-6-2012).

CHAPTER V TERM OF COPYRIGHT

Section 22. Term of copyright in published literary, dramatic, musical and artistic works

Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work [1]*** published within the lifetime of the author until [2][sixty years] from the beginning of the calendar year next following the year in which the author dies.

Explanation.-In this section the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

[1] The brackets and words "(other than a photograph)" omitted by Act 27 of 2012, s. 12 (w.e.f. 21-6-2012).
[2] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).

Section 23. Term of copyright in anonymous and pseudonymous works

(1) In the case of literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until [1][sixty years] from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until [1][sixty years] from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed,-

(a) where the identity of one of the authors is disclosed, as references to that author;

(b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonyms work of joint authorship, be

construed,-

(a) where the names of one or more (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such of those authors who dies last;

(b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and

(c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or if the identity of two or more of such authors is disclosed, as references to such of those authors who dies last.

Explanation.-For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the [2][Appellate Board] by that author.

[1] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).
[2] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 24. Term of copyright in posthumous work

(1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author, or in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until [1][sixty years] from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any [2][sound recordings] made in respect of the work have been sold to the public or have been offered for sale to the public.

[1] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).
[2] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).

Section 25. Term of copyright in photographs

[Term of copyright in photographs.] Omitted by the Copyright (Amendment) Act, 2012 (27 of 2012), s. 13 (w.e.f. 21-6-2012).

Section 26. Term of copyright in cinematograph films

In the case of a cinematograph film, copyright shall subsists until [1][sixty years] from the beginning of the calendar year next following the year in which the film is published.

[1] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).

Section 27. Term of copyright in sound recording

In the case a [1][sound recording] copyright shall subsist until [2][sixty years] from the beginning of the calendar year next following the year in which the [1][sound recording] is published.

[1] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).
[2] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).

Section 28. Term of copyright Government works

In the case of Government work, where Government is the first owner of the copyright therein, copyright shall subsist until [1][sixty years] from the beginning of the calendar year next following the year in which the work is first published.

[1] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).

Section 28A. Term of copyright in works of public undertakings

[1][In the case of a work, where a public undertaking is the first owner of the copyright therein, copyright shall subsist until[2][sixty years] from the beginning of the calendar year next following the year in which the work is first published].

[1] Ins. by Act 23 of 1983, s. 11 (w.e.f. 9-8-1984).
[2] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).

Section 29. Term of copyright in works of international organisations

In the case of a work of an international organisation to which the provisions of section 41 apply, copyright shall subsist until [1][sixty years] from the beginning of the calendar year next following the year in which the work is first published.

[1] Subs. by Act 13 of 1992, s. 2, for "fifty years" (w.e.f. 28-10-1991).

CHAPTER VI LICENCES

Section 30. Licences by owners of copyright

The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by licence in [1][writing by him] or by his duly authorised agent:

Provided that in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

Explanation.-Where a person to whom a licence relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

[1] Subs. by Act 27 of 2012, s. 14, for "writing signed by him" (w.e.f. 21-6-2012).

Section 30A. Application of [1][section 19]

[2][The provisions of [1][sections 19] shall, with any necessary adaptations and modifications, apply in relation to a licence under section 30 as they apply in relation to assignment of copyright in a work.]

[1] Subs. by Act 27 of 2012, s. 15, for "section 19 and 19A" (w.e.f. 21-6-2012).
[2] Ins. by Act 38 of 1994, s. 10 (w.e.f. 10-5-1995).

Section 31. Compulsory licence in works withheld from public

(1) If at any time during the term of copyright in [1][any work] which has been published or performed in public, a complaint is made to the [2][Appellate Board] that the owner of copyright in the work-

(a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or

(b) has refused to allow communication to the public by [3][broadcast] of such work or in the case of a [4][sound recording] the work recorded in such [4][sound recording], on terms which the complainant considers reasonable, the [2][Appellate Board], after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by [3][broadcast], as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the [2][Appellate Board] may determine; and thereupon the Registrar of Copyrights shall grant the [5][licence to such person or persons who, in the opinion of the [2][Appellate Board], is or are qualified to do so] in accordance with the directions of the [2][Appellate Board], on payment of such fee as may be prescribed.

[6]* * * * *.

[7]* * * * *.

[1] Subs. by s. 16, ibid., for "any Indian work" (w.e.f. 21-6-2012).
[2] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[3] Subs. by Act 23 of 1983, s. 2, for "radio-diffusion" (w.e.f. 9-8-1984).
[4] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).
[5] Subs. by Act 27 of 2012, s. 16, for "licence to the complainant" (w.e.f. 21-6-2012).
[6] The Explanation omitted by Act 27 of 2012, s. 16 (w.e.f. 21-6-2012).
[7] Sub-section (2) omitted by s. 16, ibid. (w.e.f. 21-6-2012).

Section 31A. Compulsory licence in unpublished [1][or published works]

[2][[3][(1) Where, in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the [4][Appellate Board] for a licence to publish or communicate to the public such work or a translation thereof in any language.]

(2) Before making an application under sub-section (1), the applicant shall publish his proposal in one issue of a daily newspaper in the English language having circulation in the major part of the country and where the application is for

the publication of a translation in any language, also in one issue of any daily newspaper in that language.

(3) Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued under sub-section (2) and such fee as may be prescribed.

(4) Where an application is made to the [4][Appellate Board] under this section, it may, after holding such inquiry as may be prescribed, direct the Registrar of Copyrights to grant to the applicant a licence to publish the work or a translation thereof in the language mentioned in the application subject to the payment of such royalty and subject to such other terms and conditions as the [4][Appellate Board] may determine, and thereupon the Registrar of Copyrights shall grant the licence to the applicant in accordance with the direction of the [4][Appellate Board].

(5) Where a licence is granted under this section, the Registrar of Copyrights may, by order, direct the applicant to deposit the amount of the royalty determined by the [4][Appellate Board] in the public account of India or in any other account specified by the [4][Appellate Board] so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.

(6) Without prejudice to the foregoing provisions of this section, in the case of a work referred to in sub-section (1), if the original author is dead, the Central Government may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.

(7) Where any work is not published within the period specified by the Central Government under sub-section (6), the [4][Appellate Board] may, on an application made by any person for permission to publish the work and after hearing the parties concerned, permit such publication on payment of such royalty as the [4][Appellate Board] may, in the circumstances of such case, determine in the prescribed manner.]

[1] Subs. by Act 27 of 2012, s. 17, for "Indian works" (w.e.f. 21-6-2012).
[2] Ins. by Act 23 of 1983, s. 12 (w.e.f. 9-8-1984).
[3] Subs. by s. 17, ibid., for sub-section (1) (w.e.f. 21-6-2012).
[4] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 31B. Compulsory licence for benefit of disabled

[1][(1) Any person working for the benefit of persons with disability on a profit basis or for business may apply to the [2][Appellate Board], in such form and manner and accompanied by such fee as may be prescribed, for a compulsory licence to published any work in which copyright subsists for the benefit of such persons, in a case to which clause (zb) of sub-section (1) of section 52 does not apply and the [2][Appellate Board] shall dispose of such application within a period of two months from the receipt of the application.

(2) The [2][Appellate Board] may, on receipt of an application under sub-section (1), inquire, or direct such inquiry as it considers necessary to establish the credentials of the applicant and satisfy itself that the application has been made in good faith.

(3) If the Appellate Board is satisfied, after giving to the owners of rights in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, that a compulsory licence needs to be issued to make the work available to the disabled, it may direct the Registrar of Copyright to grant to the applicant such a licence to publish the work.

(4) Every compulsory licence issued under this section shall specify the means and format of publication, the period during which the compulsory licence may be exercised and, in the case of issue of copies, the number of copies that may be issued including the rate or royalty:

Provided that where the [3][Appellate Board] issued such a compulsory licence it may, on a further application and after giving reasonable opportunity to the owners of rights, extend the period of such compulsory licence and allow the issue of more copies as it may deem fit.

[1] Ins. by Act 27 of 2012, s. 18 (w.e.f. 21-6-2012).
[2] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[3] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 31C. Statutory licence for cover versions

(1) Any person desirous of making a cover version, being a sound recording in respect of any literary, dramatic or musical work, where sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work, may do so subject to the provisions of this section:

Provided that such sound recordings shall be in the same medium as the last recording, unless the medium of the last recording is no longer in current commercial use.

(2) The person making the sound recordings shall give prior notice of his intention to make the sound recordings in

the manner as may be prescribed, and provide in advance copies of all covers or labels with which the sound recordings are to be sold, and pay in advance, to the owner of rights in each work royalties in respect of all copies to be made by him, at the rate fixed by the [1][Appellate Board] in this behalf:

Provided that such sound recordings shall not be sold or issued in any form of packaging or with any cover or label which is likely to mislead or confuse the public as to their identity, and in particular shall not contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which sound recording was incorporated and, further, shall state on the cover that it is a cover version made under this section.

(3) The person making such sound recordings shall not make any alteration in the literary or musical work which has not been made previously by or with the consent of the owner of rights, or which is not technically necessary for the purpose of making the sound recordings:

Provided that such sound recordings shall not be made until the expiration of five calendar years after the end of the year in which the first sound recordings of the work was made.

(4) One royalty in respect of such sound recordings shall be paid for a minimum of fifty thousand copies of each work during each calendar year in which copies of it are made:

Provided that the [1][Appellate Board] may, by general order, fix a lower minimum in respect of works in a particular language or dialect having regard to the potential circulation of such works.

(5) The person making such sound recordings shall maintain such registers and books of account in respect thereof, including full details of existing stock as may be prescribed and shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording:

Provided that if on a complaint brought before the [1][Appellate Board] to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this section, the [1][Appellate Board] is, prima facie, satisfied that the complaint is genuine, it may pass an order ex parte directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty.

Explanation.-For the purposes of this section "cover version" means a sound recording made in accordance with this section.

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 31D. Statutory licence for broadcasting of literary and musical works and sound recording

(1) Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the [1][Appellate Board].

(3) The rates of royalties for radio broadcasting shall be different from television broadcasting and the [1][Appellate Board] shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (2), the [1][Appellate Board] may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors of the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

(7) The broadcasting organisation shall-

(a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and

(b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast,

in such manner as may be prescribed.

(8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012.]

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 32. Licence to produce and publish translations

(1) Any person may apply to the [1][Appellate Board] for a licence to produce and publish a translation of a literary or dramatic work in any language [2][after a period of seven years from the first publication of the work].

[2][(1A) Notwithstanding anything contained in sub-section (1), any person may apply to the [1][Appellate Board] for a licence to produce and publish a translation, in printed or analogous forms of reproduction, of a literary or dramatic work, other than an Indian work, in any language in general use in India after a period of three years from the first publication of such work, if such translation is required for the purposes of teaching, scholarship or research:

Provided that where such translation is in a language not in general use in any developed country, such application may be made after a period of one year from such publication.]

(2) Every [3][application under this section] shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the [1][Appellate Board] under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a translation of the work in the language mentioned in [4][the application-

(i) subject to the condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the [5][Appellate Board] may, in the circumstances of each case, determine in the prescribed manner; and

(ii) where such licence is granted on an application under sub-section (1A), subject also to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India:

Provided that nothing in clause (ii) shall apply to the export by Government or any authority under the Government of copies of such translation in a language other than English, French or Spanish to any country if-

(1) such copies are sent to citizens of India residing outside India or to any association of such citizens outside India; or

(2) such copies are meant to be used for purposes of teaching, scholarship or research and not for any commercial purpose; and

(3) in either case, the permission for such export has been given by the Government of that country:]

[6][Provided further that no licence under this section] shall be granted, unless-

(a) a translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him, [7][within seven years or three years or one year, as the case may be, of the first publication of the work], or if a translation has been so published, it has been out of print;

(b) the applicant has proved to the satisfaction of the [5][Appellate Board] that he had requested and had been denied authorisation by the owner of the copyright to produce and publish such translation, or that [8][he was, after due diligence on his part, unable to find] the owner of the copyright;

(c) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for [9][such authorisation by registered air mail post to the publisher whose name appears from the work, and in the case of an application for a licence under sub-section (1)], not less than two months before [10][such application];

[11][(cc) a period of six months in the case of an application under sub-section (1A) (not being an application under the proviso thereto), or nine months in the case of an application under the proviso to that sub-section, has elapsed from the date of making the request under clause (b) of this proviso or where a copy of the request has been sent under clause (c) of this proviso, from the date of sending of such copy, and the translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or nine months, as the case may be;

(ccc) in the case of any application made under sub-section (1A),-

(i) the name of the author and the title of the particular edition of the work proposed to be translated are printed on all the copies of the translation;

(ii) if the work is composed mainly of illustrations, the provisions of section 32A are also complied with;] (d) the [12][Appellate Board] is satisfied that the applicant is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this

section;

(e) the author has not withdrawn from circulation copies of the work; and

(f) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

[13][(5) Any broadcasting authority may apply to the [12][Appellate Board] for a licence to produce and publish the translation of-

(a) a work referred to in sub-section (1A) and published in printed or analogous forms of reproduction; or

(b) any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities,

for broadcasting such translation for the purposes of teaching or for the dissemination of the results of specialised, technical or scientific research to the experts in any particular field.

(6) The provisions of sub-sections (2) to (4) in so far as they are relatable to an application under sub-section (1A), shall, with the necessary modifications, apply to the grant of a licence under sub-section (5) and such licence shall not also be granted unless-

(a) the translation is made from a work lawfully acquired;

(b) the broadcast is made through the medium of sound and visual recordings;

(c) such recording has been lawfully and exclusively made for the purpose of broadcasting in India by the applicant or by other broadcasting agency; and

(d) the translation and the broadcasting of such translation are not used for any commercial purposes.

Explanation.-For the purposes of this section,-

(a) "developed country" means a country which is not a developing country;

(b) "developing country" means a country which is for the time being regarded as such in conformity with the practice of the General Assembly of the United Nations;

(c) "purposes of research" does not include purposes of industrial research, or purposes of research by bodies corporate (not being bodies corporate owned or controlled by Government) or other association or body of persons for commercial purposes;

(d) "purposes of teaching, research or scholarship" includes-

(i) purposes of instructional activity at all levels in educational, institutions, including Schools, Colleges, Universities and tutorial institutions; and

(ii) purposes of all other types of organised educational activity.]

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[2] Ins. by Act 23 of 1983, s. 13 (w.e.f. 9-8-1984).
[3] Subs. by s. 13, ibid., for "such application" (w.e.f. 9-8-1984).
[4] Subs. by s. 13, ibid., for certain words (w.e.f. 9-8-1984).
[5] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[6] Subs. by Act 23 of 1983, s. 13, for "Provided that no such licence" (w.e.f. 9-8-1984).
[7] Subs. by s. 13, ibid., for "within seven years of the first publication of the work" (w.e.f. 9-8-1984).
[8] Subs. by s. 13, ibid., for "he was unable to find" (w.e.f. 9-8-1984).
[9] Subs. by s. 13, ibid., for "such authorisation to the publisher whose name appears from the work" (w.e.f. 9-8-1984).
[10] Subs. by s. 13, ibid., for "the application for the licence" (w.e.f. 9-8-1984).
[11] Ins. by s. 13, ibid. (w.e.f. 9-8-1984).
[12] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[13] Ins. by Act 23 of 1983, s. 13 (w.e.f. 9-8-1984).

Section 32A. Licence to reproduce and publish works for certain purposes

[1][(1) Where, after the expiration of the relevant period from the date of the first publication of an edition of a literary, scientific or artistic work,-

(a) the copies of such edition are not made available in India; or

(b) such copies have not been put on sale in India for a period of six months,

to the public, or in connection with systematic instructional activities at a price reasonably related to that normally charged in India for comparable works by the owner of the right of reproduction or by any person authorised by him in this behalf, any person may apply to the [2][Appellate Board] for a licence to reproduce and publish such work in printed or analogous forms of reproduction at the price at which such edition is sold or at a lower price for the purposes of systematic instructional activities.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the work to be reproduced.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the [2][Appellate Board] under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a reproduction of the work mentioned in the application subject to the conditions that,-

(i) the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the reproduction of the work sold to the public, calculated at such rate as the [2][Appellate Board] may, in the circumstances of each case, determine in the prescribed manner;

(ii) a licence granted under this section shall not extend to the export of copies of the reproduction of the work outside India and every copy of such reproduction shall contain a notice that the copy is available for distribution only in India:

Provided that no such licence shall be granted unless-

(a) the applicant has proved to the satisfaction of the [2][Appellate Board] that he had requested and had been denied authorisation by the owner of the copyright in the work to reproduce and publish such work or that he was, after due diligence on his part, unable to find such owner;

(b) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation by registered air-mail post to the publisher whose name appears from the work not less than three months before the application for the licence;

(c) the [2][Appellate Board] is satisfied that the applicant is competent to reproduce and publish an accurate reproduction of the work and possesses the means to pay the owner of the copyright the royalties payable to him under this section;

(d) the applicant undertakes to reproduce and publish the work at such price as may be fixed by the [2][Appellate Board], being a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subjects;

(e) a period of six months in the case of an application for the reproduction and publication of any work of natural science, physical science, mathematics or technology, or a period of three months in the case of an application for the reproduction and publication of any other work, has elapsed from the date of making the request under clause (a), or where a copy of the request has been sent under clause (b), from the date of sending of a copy, and a reproduction of the work has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or, three months, as the case may be;

(f) the name of the author and the title of the particular edition of the work proposed to be reproduced are printed on all the copies of the reproduction;

(g) the author has not withdrawn from circulation copies of the work; and

(h) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

(5) No licence to reproduce and publish the translation of a work shall be granted under this section unless such translation has been published by the owner of the right of translation or any person authorised by him and the translation is not in a language in general use in India.

(6) The provisions of this section shall also apply to the reproduction and publication, or translation into a language in general use in India, of any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities.

Explanation.-For the purpose of this section, "relevant period", in relation to any work, means a period of-

(a) seven years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, fiction, poetry, drama, music or art;

(b) three years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, natural science, physical science, mathematics or technology; and

(c) five years from the date of the first publication of that work, in any other case.

[1] Ins. by s. 14, ibid. (w.e.f. 9-8-1984).

[2] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 32B. Termination of licences issued under this Chapter

(1) If, at any time after the granting of a licence to produce and publish the translation of a work in any language under sub-section (1A) of section 32 (hereafter in this sub-section referred to as the licensed work), the owner of the copyright in the work or any person authorised by him publishes a translation of such work in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for the translation of works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding such licence by the owner of the right of translation intimating the publication of the translation as aforesaid:

Provided further that copies of the licensed work produced and published by the person holding such licence before the termination of the licence takes effect may continue to be sold or distributed until the copies already produced and published are exhausted.

(2) If, at any time after the granting of a licence to produce and publish the reproduction or translation of any work under section 32A, the owner of the right of reproduction or any person authorised by him sells or distributes copies of such work or a translation thereof, as the case may be, in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding the licence by the owner of the right of reproduction intimating the sale or distribution of the copies of the editions of work as aforesaid:

Provided further that any copies already reproduced by the licensee before such termination takes effect may continue to be sold or distributed until the copies already produced are exhausted.]

CHAPTER VII COPYRIGHT SOCIETIES

Section 33. Registration of Copyright society

(1) No person or association of persons shall, after coming into force of the Copyright (Amendment) Act, 1994 commence or, carry on the business of issuing or granting licences in respect of any work in which copyright subsists or in respect of any other rights conferred by this Act except under or in accordance with the registration granted under sub-section (3):

Provided that an owner of copyright shall, in his individual capacity, continue to have the right to grant licences in respect of his own works consistent with his obligations as a member of the registered copyright society:

[1][Provided further that the business of issuing or granting license in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recording shall be carried out only through a copyright society duly registered under this Act:

Provided also] that a performing rights society functioning in accordance with the provisions of section 33 on the date immediately before the coming into force of the Copyright (Amendment) Act, 1994 (38 of 1994) shall be deemed to be a copyright society for the purposes of this Chapter and every such society shall get itself registered within a period of one year form the date of commencement of the Copyright (Amendment) Act, 1994.

(2) Any association of persons who fulfils such conditions as may be prescribed may apply for permission to do the business specified in sub-section (1) to the Registrar of Copyrights who shall submit the application to the Central Government.

(3) The Central Government may, having regard to the interests of the authors and other owners of rights under this Act, the interest and convenience of the public and in particular of the groups of persons who are most likely to seek licences in respect of the relevant rights and the ability and professional competence of the applicants, register such association of persons as a copyright society subject to such conditions as may be prescribed:

Provided that the Central Government shall not ordinarily register more than one copyright society to do business in respect of the same class of Works.

[2][(3A) The registration granted to a copyright society under sub-section (3) shall be for a period of five years and may be renewed from time to time before the end of every five years on a request in the prescribed form and the Central Government may renew the registration after considering the report of Registrar of Copyright on the working of the copyright society under section 36:

Provided that the renewal of the registration of a copyright society shall be subject to the continued collective control

of the copyright society being shared with the authors of works in their capacity as owners of copyrights or of the right to receive royalty:

Provided further that every copyright society already registered before the coming into force of the Copyright (Amendment) Act, 2012 (27 of 2012) shall get itself registered under this Chapter within a period of one years form the date of commencement of the Copyright (Amendment) Act, 2012.]

(4) The Central Government may, if it is satisfied that a copyright society is being managed in a manner detrimental to the interests of the [3][authors and other owners of right] concerned, cancel the registration of such society after such inquiry as may be prescribed.

(5) If the Central Government is of the opinion that in the interest of the [3][authors and other owners of right] concerned [2][or for non-compliance of sections 33A, sub-section (3) of section 35 or and section 36 of any change carried out in the instrument by which the copyright society is established or incorporated and registered by the Central Government without prior notice to it], is necessary so to do it may, by order suspend the registration of such society pending inquiry for such period not exceeding one year as may be specified in such order under sub-section (4) and that Government shall appoint an administrator to discharge the functions of the copyright society.

[1] Subs. by Act 27 of 2012, s. 19, for "Provided that" (w.e.f. 21-6-2012).

[2] Ins. by Act 27 of 2012, s. 19 (w.e.f. 21-6-2012).

[3] Subs. by s. 19, ibid., for "owner of rights" (w.e.f. 21-6-2012).

Section 33A. Tariff Scheme by copyright societies

[1][(1) Every copyright society shall publish its tariff scheme in such manner as may be prescribed.

(2) Any person who is aggrieved by the tariff scheme may appeal to the [2][Appellate Board] and the Board may, it satisfied after holding such inquiry as it may consider necessary, make such orders as may be required to remove any unreasonable element, anomaly or inconsistency therein:

Provided that the aggrieved person shall pay to the copyright society any fee as may be prescribed that has fallen due before making an appeal to the [2][Appellate Board] and shall continue to pay such fee until the appeal is decided, and the Board shall not issue any order staying the collection of such fee pending disposal of the appeal:

Provided further that the[2][Appellate Board] may after hearing the parties fix an interim tariff and direct the aggrieved parties to make the payment accordingly pending disposal of the appeal.]

[1] Ins. by s. 20, ibid. (w.e.f. 21-6-2012).

[2] Subs. by Act 7 of 2017, s. 160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 34. Administration of rights of owner by copyright society

(1) Subject to such conditions as may be prescribed,-

(a) a copyright society may accept from an [1][author and other owners of right] exclusive authorisation to administer any right in any work by issue of licences or collection of licence fees or both; and

(b) an [1][author and other owners of right] shall have the right to withdraw such authorisation without prejudice to the rights of the copyright society under any contract.

(2) It shall be competent for a copyright society to enter into agreement with any foreign society or organisation administering rights corresponding to rights under this Act, to entrust to such foreign society or organisation the administration in any foreign country of rights administered by the said copyright society in India, or for administering in India the rights administered in a foreign country by such foreign society or organisation:

Provided that no such society or organisation shall permit any discrimination in regard to the terms of licence or the distribution of fees collected between rights in Indian and other works.

(3) Subject to such conditions as may be prescribed, a copyright society may-

(i) issue licences under section 30 in respect of any rights under this Act;

(ii) collect fees in pursuance of such licences;

(iii) distribute such fees among [1][author and other owners of right] after making deductions for its own expenses;

(iv) perform any other functions consistent with the provisions of section 35.

[1] Subs. by Act 27 of 2012, s. 21, for "owner of rights" (w.e.f. 21-6-2012).

Section 34A. Payment of remunerations by copyright society

[Payment of remunerations by copyright society.] Omitted by the Copyright (Amendment) Act, 2012 (27 of 2012), s. 22 (w.e.f. 21-6-2012).

Section 35. Control over the copyright society by the [1][author and other owners of right]

(1) Every copyright society shall be subject to the collective control of the owners of rights under this Act whose rights it administers (not being [1][author and other owners of right] under this Act administered by a foreign society or organisation referred to in sub-section (2) of section 34) and shall, in such manner as may be prescribed,-

(a) obtain the approval of such [1][author and other owners of right] for its procedures of collection and distribution of fees;

(b) obtain their approval for the utilisation of any amounts collected as fees for any purpose other than distribution to the [1][author and other owners of right]; and

(c) provide to such owners regular, full and detailed information concerning all its activities, in relation to the administration of their rights.

(2) All fees distributed among the [1][author and other owners of right] shall, as far as may be, be distributed in proportion to the actual use of their works.

[2][(3) Every copyright society shall have a governing body with such number of persons elected from among the members of the society consisting of equal number of authors and owners of work for the purpose of the administration of the society as may be specified.

(4) All members of copyright society shall enjoy equal membership rights and there shall be no discrimination between authors and owners of rights in the distribution of royalties.]

[1] Subs. by Act 27 of 2012, s. 21, for "owner of rights" (w.e.f. 21-6-2012).
[2] Ins. by s. 23, ibid. (w.e.f. 21-6-2012).

Section 36. Submission of returns and reports

(1) Every copyright shall submit to the Registrar of Copyrights such returns as may be prescribed.

(2) Any officer duly authorised by the Central Government in this behalf may call for any report and also call for any records of any copyright society for the purpose of satisfying himself that the fees collected by the society in respect of rights administered by it are being utilised or distributed in accordance with the provisions of this Act.

Section 36A. Rights and liabilities of performing rights societies

Nothing in this Chapter shall affect any rights or liabilities in any work in connection with a [1][copyright society] which had accrued or were incurred on or before the day prior to the commencement of [2][the Copyright (Amendment) Act, 2012], or any legal proceedings in respect of any such rights or liabilities pending on that day.]

[1] Subs. by Act 27 of 2012, s. 24, for "performing rights society" (w.e.f. 21-6-2012).
[2] Subs. by s. 24, ibid., for "the Copyright (Amendment) Act, 1994 (38 of 1994)" (w.e.f. 21-6-2012).

CHAPTER VIII RIGHTS OF BROADCASTING ORGANISATION AND OF PERFORMERS

Section 37. Broadcast reproduction right

[1][(1) Every broadcasting organisation shall have a special right to be known as "broadcast reproduction right" in respect of its broadcasts.

(2) The broadcast reproduction right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the broadcast is made.

(3) During the continuance of a broadcast reproduction right in relation to any broadcast, any person who, without the licence of the owner of the right does any of the following acts of the broadcast or any substantial part thereof,-

(a) re-broadcast the broadcast; or

(b) causes the broadcast to be heard or seen by the public on payment of any charges; or

(c) makes any sound recording or visual recording of the broadcast; or

(d) makes any reproduction of such sound recording or visual recording where such initial recording was done without licence or, where it was licensed, for any purpose not envisaged by such licence; or

[2][(e) sells or gives on commercial rental or offer for sale or for such rental, may such sound recording or visual recording referred to in clause (c) or clause (d)].]

[1] Subs. by s. 13, ibid., for section 37 (w.e.f. 10-5-1995).
[2] Subs. by Act 27 of 2012, s. 25, for clause (e) (w.e.f. 21-6-2012).

Section 38. Performer's right

[1][(1) Where any performer appears or engages in any performance, he shall have a special right to be known as the "performer's right" in relation to such performance.

(2) The performer's right shall subsist until [2][fifty years] from the beginning of the calendar year next following the year in which the performance is made.

[3]* * * * *]

[1] Subs. by Act 38 of 1994, s. 14, for section 38 (w.e.f. 10-5-1995).
[2] Subs. by 49 of 1999, s. 4, for "twenty-five years" (w.e.f. 15-1-2000).
[3] Sub-sections (3) and (4) omitted by Act 27 of 2012, s. 26 (w.e.f. 21-6-2012).

Section 38A. Exclusive right of performers

[1][(1) Without prejudice to the rights conferred on authors, the performer's right which is an exclusive right subject to the provisions of this Act to do or authorise for doing any of the following acts in respect of the performance or any substantial part thereof, namely:-

(a) to make a sound recording or a visual recording of the performance, including-

(i) reproduction of it in any material form including the storing of it in any medium by electronic or any other means;

(ii) issuance of copies of it to the public not being copies already in circulation;

(iii) communication of it to the public;

(iv) selling of giving it on commercial rental or offer for sale or for commercial rental any copy of the recording;

(b) to broadcast or communicate the performance to the public except where the performance is already broadcast.

(2) Once a performer has, by written agreement, consented to the incorporation of his performance in a cinematograph film he shall not, in the absence of any contract to the contrary, object to the enjoyment by the producer of the film of the performer's right in the same film:

Provided that, notwithstanding anything contained in this sub-section, the performer shall be entitled for royalties in case of making of the performances for commercial use.

[1] Ins. by s. 27, ibid. (w.e.f. 21-6-2012).

Section 38B. Moral rights of the performer

The performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right,-

(a) to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance; and

(b) to restrain or claim damage in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

Explanation.-For the purposes of this clause, it is already clarified that mere removal of any portion of a performance for the purpose of editing, or to fit the recording within a limited duration, or any other modification required for purely technical reasons shall not be deemed to be prejudicial to the performer's reputation.]

Section 39. Acts not infringing broadcast reproduction right or performer's right

[1][No broadcast reproduction right or performer's right shall be deemed to be infringed by-

(a) the making of any sound recording or visual recording for the private use of the person making such recording, or solely for purposes of bona fide teaching or research; or

(b) the use, consistent with fair dealing, of excerpts of a performance or of a broadcast in the reporting of current events or for bona fide review, teaching or research; or

(c) such other acts, with any necessary adaptations and modifications, which do not constitute infringement of copyright under section 52.]

[1] Subs. by Act 38 of 1994, s. 15, for section 39 (w.e.f. 10-5-1995).

Section 39A. Certain provisions to apply in case of broadcast reproduction right and performer's rights

[1][Sections 18, 19, 30, 30A, 33, 33A, 34, 35, 36, 53, 55, 58, 63, 64, 65, 65A, 65B and 66 shall, with necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any broadcast and the

performer's right in any performance as they apply in relation to copyright in a work:

Provided that where copyright to performer's right subsists in respect of any work or performance that has been broadcast, no licence to reproduce such broadcast, shall be given without the consent of the owner of rights or performer, as the case may be, or both of them:

Provided further that the broadcast reproduction right or performer's right shall not subsist in any broadcast or performance if that broadcast or performance is an infringement of the copyright in any work.

(2) The broadcast reproduction right or the performer's right shall not affect the separate copyright in any work in respect of which, the broadcast or the performance, as the case may be, is made.]

[1] Subs. by Act 27 of 2012, s. 28, for section 39A (w.e.f. 21-6-2012).

CHAPTER IX INTERNATIONAL COPYRIGHT

Section 40. Power to extend copyright to foreign works

The Central Government may, by order published in the Official Gazette, direct that all or any provisions of this Act shall apply-

(a) to work first published in any territory outside India to which the order relates in like manner as if they were first published within India;

(b) to unpublished works, or any class thereof, the authors whereof were at the time of the making of the work, subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were citizens of India;

(c) in respect of domicile in any territory outside India to which the order relates in like manner as if such domicile were in India;

(d) to any work of which the author was at the date of the first publication thereof, or, in a case where the author was dead at that date, was at the time of his death, a subject or citizen of a foreign country to which the order relates in like manner as if the author was a citizen of India at that date or time;

and thereupon, subject to the provisions of this Chapter and of the order, this Act shall apply accordingly:

Provided that-

(i) before making an order under this section in respect of any foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to copyright to which India is also a party), the Central Government shall be satisfied that that foreign country has made, or has undertaken to make, such provisions if any, as it appears to the Central Government expedient to require for the protection in that country of works entitled to copyright under the provisions of this Act;

(ii) the order may provide that the provisions of this Act shall apply either generally or in relation to such classes of works or such classes of cases as may be specified in the order;

(iii) the order may provide that the term of copyright in India shall not exceed that conferred by the law of the country to which the order relates [1][but such a term of copyright shall not exceed the term of copyright provided under this Act];

(iv) the order may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities, if any, as may be prescribed by the order;

(v) in applying the provisions of this Act as to ownership of copyright, the order may make such exception and modifications as appear necessary, having regard to the law of the foreign country;

(vi) the order may provide that this Act or any part thereof shall not apply to works made before the commencement of the order or that this Act or any part thereof shall not apply to works first published before the commencement of the order.

[1] Ins. by Act 27 of 2012, s. 29 (w.e.f. 21-6-2012).

Section 40A. Power of Central Government to apply Chapter VIII to broadcasting organisations and performers in certain other countries

[1][(1) If the Central Government is satisfied that a foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to rights of broadcasting organisations and performers to which India is also a party) has made or has undertaken to make such provisions, if any, as it appears to the Central Government expedient to require, for the protection in that foreign country, of the rights of broadcasting organisations and performers as is available under this Act, it may, by order published in the Official Gazette, direct that the provisions of Chapter VIII shall apply-

(a) to broadcasting organisation whose headquarters is situated in a country to which the order relates or, the broadcast was transmitted from a transmitte situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India;

(b) to performances that took place outside India to which the order relates in like manner as if they took place in India;

(c) to performance that are incorporated in a sound recording published in a country to which the order relates as if it were published in India;

(d) to performances not fixed on a sound recording broadcast by a broadcasting organisation the headquarters of which is located in a country to which the order relates or where the broadcast is transmitted from a transmitte which is situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India.

(2) Every order made under sub-section (1) may provide that-

(i) the provisions of Chapter VIII shall apply either generally or in relation to such class or classes of broadcasts or performances or such other class or classes of cases as may be specified in the order;

(ii) the term of the rights of broadcasting organisations and performers in India shall not exceed such term as is conferred by the law of the country to which the order relates;

[2][Provided that it does not exceed the period provided under this Act;]

(iii) the enjoyment of the rights conferred by Chapter VIII shall be subject to the accomplishment of such conditions and formalities, if any, as may be specified in that order;

(iv) Chapter VIII of any part thereof shall not apply to broadcast and performances made before the commencement of the order or that Chapter VIII or any part thereof shall not apply to broadcasts and performances broadcast or performed before the commencement of the order;

(v) in case of ownership of rights of broadcasting organisations and performers, the provisions of Chapter VIII shall apply with such exceptions and modifications as the Central Government may, having regard to the law of the foreign country, consider necessary.]

[1] Ins. by Act 49 of 1999, s. 5 (w.e.f. 15-1-2000).

[2] Ins. by Act 27 of 2012, s. 30 (w.e.f. 26-6-2012).

Section 41. Provisions as to works of certain international organisations

(1) Where-

(a) any work is made or first published by or under the direction or control of any organisation to which this section applies, and

(b) there would, apart from this section, be no copyright in the work in India at the time of the making or, as the case may be, of the first publication thereof, and

(c) either-

(i) the work is published as aforesaid in pursuance of an agreement in that behalf with the author, being an agreement which does not reserve to the author the copyright, if any, in the work, or

(ii) under section 17 any copyright in the work would belong to the organization,

there shall, by virtue of this section, be copyright in the work throughout India.

(2) Any organisation to which this section applies which at the material time had not the legal capacity of a body corporate shall have and be deemed at all material times to have had the legal capacity of a body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with all legal proceedings relating to copyright.

(3) The organisations to which this section applies are such organisations as the Central Government may, by order published in the Official Gazette, declare to be organisations of which one or more sovereign powers or the Government or Governments thereof are members to which it is expedient that this section shall apply.

Section 42. Power to restrict rights in works of foreign authors first published in India

If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to the works of Indian authors, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer copyright on works first published in India shall not apply to works, published after the date specified in the order, the authors whereof are subjects or citizens of such foreign country and are not domiciled in India, and thereupon those provisions shall not apply to such works.

Section 42A. Power to restrict rights of foreign broadcasting organisations and performers

[1][If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to rights of broadcasting organisations or performers, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer right to broadcasting organisations or performers, as the case may be, shall not apply to broadcasting organisations or performers whereof are based or incorporated in such foreign country or are subjects or citizens of such foreign country and are not incorporated or domiciled in India, and thereupon those provisions shall not apply to such broadcasting organisations or performers:]

[2][Provided that it does not exceed the period provided under this Act.]

[1] Ins. by Act 49 of 1999, s. 6 (w.e.f. 15-1-2000).

[2] Ins. by Act 27 of 2012, s. 30 (w.e.f. 21-6-2012).

Section 43. Orders under this Chapter to be laid before Parliament

Every order made by the Central Government under this Chapter shall, as soon as may be after it is made, be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which it is so laid or the session immediately following.

CHAPTER X REGISTRATION OF COPYRIGHT

Section 44. Register of Copyrights

There shall be kept at the Copyright Office a register in the prescribed form to be called the Register of Copyrights in which may be entered the names or titles of works and the names and addresses of authors, publishers and owners of copyright and such other particulars as may be prescribed.

Section 45. Entries in register of Copyrights

(1) The author or publisher of, or the owner of or other person interested in the copyright in, any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar of Copyrights for entering particulars of the work in the Register of Copyrights:

[1][Provided that in respect of an artistic work which is used or is capable of being used in [2][relation to any goods or services], the application shall include a statement to that effect and shall be accompanied by a certificate from the Registrar of Trade Marks referred to in [3][section 3 of the Trade Marks Act, 1999 (47 of 1999)], to the effect that no trade mark identical with or deceptively similar to such artistic work has been registered under that Act in the name of, or that no application has been made under that Act for such registration by, any person other than the applicant.]

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar of Copyrights may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights.

[1] The proviso added by Act 23 of 1983, s. 16 (w.e.f. 9-8-1984).

[2] Subs. by Act 27 of 2012, s. 31, for "relation to any goods" (w.e.f. 21-6-2012).

[3] Subs. by s. 31, ibid., for "section 4 of the Trade and Merchandise Marks Act, 1958 (43 of 1958)" (w.e.f. 21-6-2012).

Section 46. Indexes

There shall be also kept at the Copyright Office such indexes of the Register of Copyrights as may be prescribed.

Section 47. Form and inspection of register

The Register of Copyrights and indexes thereof kept under this Act shall at all reasonable times be open to inspection, and any person shall be entitled to take copies of, or make extracts from, such register or indexes on payment of such fee and subject to such conditions as may be prescribed.

Section 48. Register of Copyrights to be prima facie evidence of particulars entered therein

The Register of Copyrights shall be prima facie evidence of the particulars entered therein and documents purporting to be copies of any entries therein, or extracts therefrom, certified by the Registrar of Copyrights and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof or production of the original.

Section 49. Correction of entries in the Register of Copyrights

The Registrar of Copyrights may, in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights by-

(a) correcting any error in any name, address or particulars; or

(b) correcting any other error which may have arisen therein by accidental slip or omission.

Section 50. Rectification of Register by [1][Appellate Board]

The[1][Appellate Board], on application of the Registrar of Copyrights or of any person aggrieved, shall order the rectification of the Register of Copyrights by-

(a) the making of any entry wrongly omitted to be made in the register, or

(b) the expunging of any entry wrongly made in, or remaining on, the register, or

(c) the correction of any error or defect in the register.

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 50A. Entries in the Register of Copyrights, etc., to be published

[1][Every entry made in the Register of Copyrights or the particulars of any work entered under section 45, the correction of every entry made in such register under section 49, and every rectification ordered under section 50, shall be published by the Registrar of Copyrights in the Official Gazette or in such other manner as he may deem fit.]

[1] Ins. by Act 23 of 1983, s. 17 (w.e.f. 9-8-1984).

CHAPTER XI INFRINGEMENT OF COPYRIGHT

Section 51. When copyright infringed

Copyright in a work shall be deemed to be infringed-

(a) when any person, without a licence granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act-

(i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or

[1][(ii) permits for profit any place to be used for the communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be an infringement of copyright; or]

(b) when any person-

(i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(iii) by way of trade exhibits in public, or

(iv) imports [2]*** into India,

any infringing copies of the work:

[3][Provided that nothing in sub-clause (iv) shall apply to the import of one copy of any work for the private and domestic use of the importer.]

Explanation.-For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an "infringing copy".

[1] Subs. by Act 38 of 1994, s. 16, for sub-clause (ii) (w.e.f. 10-5-1995).

[2] The brackets and words "(except for the private and domestic use of the importer)" omitted by Act 65 of 1984, s. 3 (w.e.f. 8-10-1984).

[3] Subs. by Act 38 of 1994, s. 16, for the proviso (w.e.f. 10-5-1995).

Section 52. Certain acts not to be infringement of copyright

(1) The following acts shall not constitute an infringement of copyright, namely,-

[1][(a) a fair dealing with any work, not being a computer programme, for the purposes of-

(i) private or personal use, including research;

(ii) criticism or review, whether of that work or of any other work;

(iii) the reporting of current events and current affairs, including the reporting of a lecture delivered in public.

Explanation.-The storing of any work in any electronic medium for the purposes mentioned in this clause, including the incidental storage of any computer programme which is not itself in infringing copy for the said purposes, shall not constitute infringement of copyright.]

[2][(aa) the making of copies or adaptation of a computer programme by the lawful possessor of a copy of such

computer programme, from such copy-

(i) in order to utilise the computer programme for the purpose for which it was supplied; or

(ii) to make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilise the computer programme for the purpose for which it was supplied;]

[3][(ab) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmer by a lawful possessor of a computer programme provided that such information is not otherwise readily available;

(ac) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;

(ad) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use;]

[4][(b) the transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public;

(c) transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy:

Provided that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such access for a period of twenty-one days or till he receives an order from the competent court refraining from facilitating access and in case no such order is received before the expiry of such period of twenty-one days, he may continue to provide the facility of such access;

(d) the reproduction of any work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;

(e) the reproduction or publication of any work prepared by the Secretariat of a Legislature or, where the legistanure consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;

(f) the reproduction of any work in a certified copy made or supplied in accordance with any law for the time being in force;

(g) the reading or recitation in public of reasonable extracts from a published literacy or dramatic work;

(h) the publication in a collection, mainly composed of non-copyright matter, bona fide intended for instruction use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for such use in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

Explanation.-In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

(i) the reproduction of any work-

(i) by a teacher or a pupil in the course of instruction; or

(ii) as part of the question to be answered in an examination; or

(iii) in answers to such questions;

[5][(j) the making of sound recordings in respect of any literary, dramatic or musical work, if-

(i) sound recordings of that work have been made by or with the license or consent of the owner of the right in the work:

(ii) the person making the sound recordings has given a notice of his intention to make the sound recordings, has provided copies of all covers or labels with which the sound recordings are to be sold, and has paid in the prescribed manner to the owner of rights in the work loyalties in respect of all such sound recordings to be made by him, at the rate fixed by the Copyright Board in this behalf:

Provided that-

(i) no alterations shall be made which have not been made previously by or with the consent of the owner of

rights, or which are not reasonably necessary for the adaptation of the work for the purpose of making the sound recordings:

(ii) the sound recordings shall not be issued in any form of packaging or with any label which is likely to mislead or confuse the public as to their identity;

(iii) no such sound recording shall be made until the expiration of two calendar years after the end of the year in which the first sound recording of the work was made; and

(iv) the person making such sound recordings shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording:

Provided further that if on a complaint brought before the Copyright Board to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this clause, the Copyright Board is, prima fade, satisfied that the complaint is genuine, it may pass an order ex parte directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty;

(k) the causing of a recording to be heard in public by utilising it,-

(i) in an enclosed room or hall meant for the common use of residents in any residential premises (not being a hotel or similar commercial establishment) as part of the amenities provided exclusively or mainly for residents therein; or

(ii) as part of the activities of a club or similar organisation which is not established or conduct for profit;]

(l) the performance of a literary, dramatic or musical work by an amateur, club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;

(m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction;

[6][(n) the storing of a work in any medium by electronic means by a non-commercial public library, for preservation if the library already possesses a non-digital copy of the work;]

(o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a [7][non-commercial public library] for the use of the library if such book is not available for sale in India;

(p) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access:

Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be the provisions of this clause shall apply only if such reproduction is made at a time more than [8][sixty years] from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last;

(q) the reproduction or publication of-

(i) any matter which has been published in any Official Gazette except an Act of a Legislature;

(ii) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;

(iii) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;

(iv) any judgment or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;

(r) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder-

(i) if no translation of such Act or rules or orders in that language has been previously been produced or published by the Government; or

(ii) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:

Provided that such translation contains a statement at a prominent place to the effect that the translation has not

been authorised or accepted as authentic by the Government;

[9][(s) the making or publishing of a painting, drawing, engraving or photograph of a work of architecture or the display of a work of architecture;]

(t) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work falling under sub-clause (iii) of clause (c) of section 2, if such work is permanently situate in a public place or any premises to which the public has access;

(u) the inclusion in a cinematograph film of-

(i) any artistic work permanently situate in a public place or any premises to which the public has access; or

(ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;

(v) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work:

Provided that he does not thereby repeat or imitate the main design of the work;

[10][(w) the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device;]

(x) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed:

Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans;

(y) in relation to a literary, [11][dramatic, artistic or] musical work recorded or reproduced in any cinematograph film, the exhibition of such film after the expiration of the term of copyright therein:

Provided that the provisions of sub-clause (ii) of clause (a), sub-clause (i) of clause (b) and clauses (d), (f), (g), (m) and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment-

(i) identifying the work by its title or other description; and

(ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgment of his name should be made, also identifying the author;

[12][(z) the making of an ephemeral recording, by a broadcasting organisation using its own facilities for its own broadcast by a broadcasting organisation of a work which it has the right to broadcast; and the retention of such recording for archival purposes on the ground of its exceptional documentary character;

(za) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any bona fide religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority.

Explanation.-For the purpose of this clause, religious ceremony includes a marriage procession and other social festivities associated with a marriage;]

[13][(zb) the adaption, reproduction, issue of copies or communication to the public of any work in any accessible format, by-

(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(ii) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:

Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production:

Provided further that the organisation shall ensure that the copies of works in such accessible format as used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

Explanation.-For the purposes of this sub-clause, "any organisation" includes and organisation registered under section 12A of the Income-tax Act, 1961 (43 of 1961) and working for the benefit of persons with disability or recognised under Chapter X of the Persons with Disabilities (Equal Opportunities, Protection or Rights and full Participation) Act, 1995 (1 of 1996) or receiving grants from the government for facilitationg access to persons with disabilities or an educational institution or library or archives recognised by the Government;

(zc) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or

explanatory material, that is purely incidental to other goods or products being imported lawfully.]

(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.

[1] Subs. by Act 27 of 2012, s. 32, for clause (a) (w.e.f. 21-6-2012).
[2] Ins. by Act 38 of 1994, s. 17 (w.e.f. 10-5-1995).
[3] Ins. by Act 49 of 1999, s. 7 (w.e.f. 15-1-2000).
[4] Subs. by Act 27 of 2012, s. 32, for clauses (b), (c), (d), (e), (f), (g), (h), (i) and (j) (w.e.f. 21-6-2012).
[5] Subs. by Act 38 of 1994, s. 17, for clauses (j) and (k) (w.e.f. 10-5-1995).
[6] Subs. by Act 27 of 2012, s. 32, for clause (n) (w.e.f. 21-6-2012).
[7] Subs. by s. 32, ibid., for "public library" (w.e.f. 21-6-2012).
[8] Subs. by Act 49 of 1999, s. 7, for "fifty years" (w.e.f. 15-1-2000).
[9] Subs. by Act 38 of 1994, s. 17, for clause (s) (w.e.f. 10-5-1995).
[10] Subs. by Act 27 of 2012, s. 32, for clause (w) (w.e.f. 21-6-2012).
[11] Subs. by s. 32, ibid., for "dramatic or" (w.e.f. 21-6-2012).
[12] Ins. by Act 38 of 1994, s. 17 (w.e.f. 9-8-1995).
[13] Ins. by Act 27 of 2012, s. 32 (w.e.f. 21-6-2012).

Section 52A. Particulars to be included in [1][sound recording] and video Films

[2][(1) No person shall publish a [1][sound recording] in respect of any work unless the following particulars are displayed on the [1][sound recording] and on any container thereof, namely:-

(a) the name and address of the person who has made the [1][sound recording];

(b) the name and address of the owner of the copyright in such work; and

(c) the year of its first publication.

(2) No person shall publish a video film in respect of any work unless the following particulars are displayed in the video film, when exhibited, and on the video cassette or other container thereof, namely:-

(a) if such work is a cinematograph film required to be certified for exhibition under the provisions of the Cinematograph Act, 1952 (37 of 1952), a copy of the certificate granted by the Board of Film Certification under section 5A of that Act in respect of such work;

(b) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence or consent from the owner of the copyright in such work for making such video film; and

(c) the name and address of the owner for the copyright in such work.]

[1] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).
[2] Ins. by Act 65 of 1984, s. 4 (w.e.f. 8-10-1984).

Section 52B. Accounts and audit

[Accounts and audit.] Omitted by the Copyright Act, 2012 (27 of 2012), s. 33 (w.e.f. 21-6-2012).

Section 53. Importation of infringing copies

[1][(1) The owner of any right conferred by this act in respect of any work or any performance embodied in such work, or his duly authorised agent, may give notice in writing to the Commissioner of Customs, or to any other officer authorised in this behalf by the Central Board of Excise and Customs, -

(a) that he is the owner of the said right, with proof thereof, and

(b) that he requests the Commissioner for a period specified in the notice, which shall not exceed one year, to treat infringing copies of the work as prohibited goods, and that infringing copies of the work are expected to arrive in India at a time and a place specified in the notice. (2) The Commissioner, after scrutiny of the evidence furnished by the owner of the right and on being satisfied may, subject to the provisions of sub-section (3), treat infringing copies of the work as prohibited goods that have been imported into India, excluding goods in transit:

Provided that owner of the work deposits such amount as the Commissioner may require as security having regard to the likely expenses on demurrage, cost of storage and compensation to the importer in case it is found that works are not infringing copies.

(3) When any goods treated as prohibited under sub-section (2) have been detained, the Customs Officer detaining them shall inform the importer as well as the person who gave notice under sub-section (1) of the detention such goods within forty-eight hours of their detention.

(4) The Customs Officer shall release the goods, and they shall not longer be treated as prohibited goods, if the person who gave notice under sub-section (1) does not produce any order from a court having jurisdiction as to the temporary or permanent disposal of such goods within fourteen days from the date of their detention.]

[1] Subs. by Act 27 of 2012, s. 34, for section 53 (w.e.f. 21-6-2012).

Section 53A. Resale share right in original copies

[1][(1) In the case of resale for a price exceeding ten thousand rupees, of the original copy of a painting, sculpture or drawing, or of the original manuscript of a literary or dramatic work or musical work, the author of such work if he was the first owner of rights under section 17 or his legal heirs shall, notwithstanding any assignment of copyright in such work, have a right to share in the resale price of such original copy or manuscript in accordance with the provisions of this section:

Provided that such right shall cease to exist on the expiration of the term of copyright in the work.

(2) The share referred to in sub-section (1) shall be such as the [2][Appellate Board] may fix and the decision of the [2][Appellate Board] in this behalf shall be final:

Provided that the [2][Appellate Board] may fix different shares for different classes of work:

Provided further that in no case shall the share exceed ten percent, of the resale price.

(3) If any dispute arises regarding the right conferred by this section, it shall be referred to the [2][Appellate Board] whose decision shall be final.]

[1] Ins. by Act 38 of 1994, s. 18 (w.e.f. 10-5-1995).

[2] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

CHAPTER XII CIVIL REMEDIES

Section 54. Definition

For the purposes of this Chapter, unless the context otherwise requires, the expression "owner of copyright" shall include-

(a) an exclusive licensee;

(b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of an anonymous work of joint authorship, or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise establishment to the satisfaction of the [1][Appellate Board] by that author or his legal representatives.

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 55. Civil remedies for infringement of copyright

(1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right:

Provided that if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for believing that copyright subsisted in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the court may in the circumstances deem reasonable.

(2) Where, in the case of a literary, dramatic, musical or artistic work, [1][or, subject to the provisions of sub-section (3) of section 13, a cinematograph film or sound recording, a name purporting to be that of the author, or the publisher, as the case may be, of that work, appears] on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case may be.

(3) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the discretion of the court.

[1] Subs. by Act 27 of 2012, s. 35, for "a name purporting to be that of the author or the publisher, as the case may be, appear" (w.e.f. 21-6-2012).

Section 56. Protection of separate rights

Subject to the provisions of this Act, where the several rights comprising the copyright in any work are owned by different persons, the owner of any such right shall, to the extent of that right, be entitled to the remedies provided by

this Act and may individually enforce such right by means of any suit, action or other proceeding without making the owner of any other right a party to such suit, action or proceeding.

Section 57. Author's special rights

[1][(1) Independently of the author's copyright and even after the assignment either wholly or partially of the said copyright, the author of a work shall have the right-

(a) to claim authorship of the work; and

(b) to restrain or claim damages in respect of any distortion, mutilation, modification or other act in relation to the said work [2]*** if such distortion, mutilation, modification or other act would be prejudicial to his honour or reputation:

Provided that the author shall not have any right to restrain or claim damages in respect of any adaptation of a computer programme to which clause (aa) of sub-section (1) of section 52 applies.

Explanation.-Failure to display a work or to display it to the satisfaction of the author shall not be deemed to be an infringement of the rights conferred by this section.]

(2) The right conferred upon an author of a work by sub-section (1), [3]***, may be exercised by the legal representatives of the author.

[1] Subs. by Act 38 of 1994, s. 20, for sub-section (1) (w.e.f. 10-5-1995).

[2] The words "which is done before the expiration of the term of copyright" omitted by Act 27 of 2012, s. 36 (w.e.f. 21-6-2012).

[3] The words "other than the right to claim authorship of the work" omitted by s. 36, ibid. (w.e.f. 21-6-2012).

Section 58. Rights of owner against persons possessing or dealing with infringing copies

All infringing copies of any work in which copyright subsists, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof:

Provided that the owner of the copyright shall not be entitled to any remedy in respect of the conversion of any infringing copies, if the opponent proves-

(a) that he was not aware and had no reasonable ground to believe that copyright subsisted in the work of which such copies are alleged to be infringing copies; or

(b) that he had reasonable grounds for believing that such copies or plates do not involve infringement of the copyright in any work.

Section 59. Restriction on remedies in the case of works of architecture

(1) Notwithstanding anything contained in [1][the Specific Relief Act, 1963 (47 of 1963)], where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Nothing in section 58 shall apply in respect of the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work.

[1] Subs. by Act 23 of 1983, s. 21, for "the Specific Relief Act, 1877 (1 of 1877)" (w.e.f. 9-8-1984).

Section 60. Remedy in the case of groundless threat of legal proceedings

Where any person claiming to be the owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of an alleged infringement of the copyright, any person aggrieved thereby may, notwithstanding anything contained [1][in section 34 of the Specific Relief Act, 1963 (47 of 1963)], institute a declaratory suit that the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit-

(a) obtain an injunction against the continuance of such threats; and

(b) recover such damages, if any, as he has sustained by reason of such threats:

Provided that this section does not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him.

[1] Subs. by Act 23 of 1983, s. 21, for "in section 42 the Specific Relief Act, 1877 (1 of 1977)" (w.e.f. 9-8-1984).

Section 61. Owner of copyright to be party to the proceeding

(1) In every civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee, the owner of the copyright shall, unless the court otherwise directs, be made a defendant and where such owner is made a defendant, he shall have the right to dispute the claim of the exclusive licensee.

(2) Where any civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee is successful, no fresh suit or other proceeding in respect of the same cause of action shall lie at the instance of the owner of the copyright.

Section 62. Jurisdiction of court over matters arising under this Chapter

(1) Every suit or other civil proceeding arising under this Chapter in respect of the infringement of copyright in any work or the infringement of any other right conferred by this Act shall be instituted in the district court having jurisdiction.

(2) For the purpose of sub-section (1), a "district court having jurisdiction" shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, include a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or other proceeding or, where there are more than one such persons, any of them actually and voluntarily resides or carries on business or personally works for gain.

CHAPTER XIII OFFENCES

Section 63. Offences of infringement of copyright or other rights conferred by this Act

Any person who knowingly infringes or abets the infringement of-

(a) the copyright in a work, or

(b) any other right conferred by this Act [1][except the right conferred by section 53A],

[2][shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees]:

Provided that [1][where the infringement has not been made for gain in the course of trade or business] the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.]

Explanation.-Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work shall not be an offence under this section.

[1] Ins. by Act 38 of 1994, s. 21 (w.e.f. 10-5-1995).

[2] Subs. by Act 65 of 1984, s. 5, for "shall be punishable with imprisonment which may extend to one year, or with fine, or with both" (w.e.f. 8-10-1984).

Section 63A. Enhanced penalty on second and subsequent convictions

[1][Whoever having already been convicted of an offence under section 63 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that [2][where the infringement has not been made for gain in the course of trade or business] the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees:

Provided further that for the purposes of this section, no cognizance shall be taken of any conviction made before the commencement of the Copyright (Amendment) Act, 1984 (65 of 1984).]

[1] Ins. by Act 65 of 1984, s. 6 (w.e.f. 8-10-1984).

[2] Ins. by Act 38 of 1994, s. 22 (w.e.f. 10-5-1995).

Section 63B. Knowing use of infringing copy of computer programme to be an offence

[1][Any person who knowingly makes use on a computer of an infringing copy of a computer programme shall be punishable with imprisonment for a term which shall not be less than seven days but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees:

Provided that where the computer programme has not been used for gain or in the course of trade or business, the Court may, for adequate and special reasons to be mentioned in the judgment, not impose any sentence of imprisonment and may impose a fine which may extend to fifty thousand rupees.]

[1] Ins. by s. 23, ibid. (w.e.f. 10-5-1995).

Section 64. Power of police to seize infringing copies

[1][(1) Any police officer, not below the rank of a sub-inspector, may, if he is satisfied that an offence under section 63 in respect of the infringement of copyright in any work has been, is being, or is likely to be, committed, seize without warrant, all copies of the work, and all the plates used for the purpose of making infringing copies of the work, wherever found, and all copies and plates so seized shall, as soon as practicable, be produced before a Magistrate.]

(2) Any person having an interest in any copies of a work [2][, or plates] seized under sub-section (1) may, within fifteen days of such seizure, make an application to the Magistrate for such copies [2][, or plates] being restored to him and the Magistrate, after hearing the applicant and the complainant and making such further inquiry as may be necessary, shall make such order on the application as he may deem fit.

[1] Subs. by Act 65 of 1984, s. 7, for sub-section (1) (w.e.f. 8-10-1984).
[2] Ins. by s. 7, ibid. (w.e.f. 8-10-1984).

Section 65. Possession of plates for purpose of making infringing copies

Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to [1][two years and shall also be liable to fine.]

[1] Subs. by s. 8, ibid., for "one year, or with fine, or with both" (w.e.f. 8-10-1994).

Section 65A. Protection of technological measures

[1][(1) Any person who circumvents an effective technological measures applied for the purpose of protecting any of the rights conferred by this Act, with the intention of infringing such rights, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) shall prevent any person from,-

(a) doing anything referred to therein for a purpose not expressly prohibited by this Act:

Provided that any person facilitating circumvention by another person of a technological measure for such a purpose shall maintain a complete record of such other person including his name, address and all relevant particulars necessary to identify him and the purpose for which he has been facilitated; or

(b) doing anything necessary to conduct encryption research using a lawfully obtained encrypted copy; or

(c) conducting any lawful investigation; or

(d) doing anything necessary for the purpose of testing the security of a computer system or a computer network with the authorisation of its owner; or

(e) operator; or

(f) doing anything necessary to circumvent technological measures intended for identification or surveillance of a user; or

(g) taking measures necessary in the interest of national security.

[1] Ins. by Act 27 of 2012, s. 37 (w.e.f. 21-6-2012).

Section 65B. Protection of Rights Management Information

Any person, who knowingly, -

(i) removes or alters any rights management information without authority, or

(ii) distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority,

shall be punishable with imprisonment which may extend to two years and shall also be liable to fine:

Provided that if the rights management information has been tampered with in any work, the owner of copyright in such work may also avail of civil remedies provided under Chapter XII against the persons indulging in such acts.]

Section 66. Disposal of infringing copies or plates for purpose of making infringing copies

The Court trying any offence under this Act may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be delivered up to the owner of the copyright [1][or may make such order as it may deem fit regarding the disposal of such copies of plates].

[1] Ins. by Act 27 of 2012, s. 38 (w.e.f. 21-6-2012).

Section 67. Penalty for making false entries in register, etc., for producing or tendering false entries

[Penalty for making false entries in register, etc., for producing or tendering false entries.] Omitted by the Jan Vishwas (Amendment of Provision) Act, 2026 (8 of 2026), s. 2 and the Sch. (w.e.f. 15-6-2026).

Section 68. Penalty for making false statements for the purpose of deceiving or influencing any authority or officer

[Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.] Omitted by the Jan Vishwas (Amendment of Provision) Act, 2023 (18 of 2023), s. 2 and the Sch. (w.e.f. 1-8-2024).

Section 68A. Penalty for contravention of section 52A

[1][Any person who publishes a [2][sound recording] or a video film in contravention of the provisions of section 52A shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.]

[1] Ins. by Act 65 of 1984, s. 9 (w.e.f. 8-10-1984).

[2] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).

Section 69. Offences by companies

(1) Where any offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section-

(a) "company" means any body corporate and includes a firm or other association of persons; and

(b) "director" in relation to a firm means a partner in the firm.

Section 70. Cognizance of offences

No court inferior to that of [1][a Metropolitan Magistrate or a Judicial Magistrate of the first class] shall try any offence under this Act.

[1] Subs. by Act 23 of 1983, s. 22, for "a presidency magistrate or a magistrate of the first class" (w.e.f. 9-8-1984).

CHAPTER XIV

Section 71. Appeals against certain orders of Magistrate

Any person aggrieved by an order made under sub-section (2) of section 64 or section 66 may, within thirty days of the date of such order appeal to the court to which appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.

Section 72. Appeals against orders of Registrar of Copyrights and [1][Appellate Board]

(1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the [1][Appellate Board].

(2) Any person aggrieved by any final decision or order of the [1][Appellate Board], not being a decision or order made in an appeal under sub-section (1), may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the [1][Appellate Board] under section 6.

(3) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or [2][sound recoding] of the decision appealed against shall be excluded.

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[2] Subs. by Act 38 of 1994, s. 2, for "record" (w.e.f. 10-5-1995).

Section 73. Procedure for appeals

The High Court may make rules consistent with this Act as to the procedure to be followed in respect of appeals made to it under section 72.

CHAPTER XV MISCELLANEOUS

Section 74. Registrar of Copyrights and [1][Appellate Board] to possess certain powers of civil courts

The Registrar of Copyrights and the [1][Appellate Board] shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) requisitioning any public record or copy thereof from any court or office;

(f) any other matter which may be prescribed.

Explanation.-For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar of Copyrights or the [2][Appellate Board], as the case may be, shall be the limits of the territory of India.

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[2] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 75. Orders for payment of money passed by Registrar of Copyrights and [1][Appellate Board] to be executable as a decree

Every order made by the Registrar of Copyrights or the [1][Appellate Board] under this Act for the payment of any money or by the High Court in any appeal against any such order of the [1][Appellate Board] shall, on a certificate issued by the Registrar of Copyrights, the [1][Appellate Board] or the Registrar of the High Court, as the case may be, be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 76. Protection of action taken in good faith

No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Section 77. Certain persons to be public servants

Every officer appointed under this Act and every member of the [1][Appellate Board] shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

[1] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).

Section 78. Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all or any of the following matters, namely:-

[1][* * * * *];

(b) the form of complaints and applications to be made, and the licences to be granted, under this Act;

(c) the procedure to be followed in connection with any proceeding before the Registrar of Copyrights;

[2][(cA) the form and manner in which an organisation may apply to the [Appellate Board] for compulsory licence for disabled and the fee which may accompany such application under sub-section (1) of section 31B;

(cB) the manner in which a person making sound recording may give prior notice of his intention to make sound recording under sub-section (2) of section 31C;

(cC) the register and books of account and the details of existing stock which a person making sound recording may maintain under sub-section (5) of section 31C;

(cD) the manner in which prior notice may be given by a broadcasting organisation under sub-section (2) of section 31D;

(cE) the reports and accounts which may be maintained under clause (a), and the inspection of records and books of account which may be made under clause (b) or sub-section (7) of section 31D];

[3][(ca) the conditions for submission of application under sub-section (2) of section 33;

(cb) the conditions subject to which a copyright society may be registered under sub-section (3) of section 33;

(cc) the inquiry for cancellation of registration under sub-section (4) of section 33;

[2][(ccA) the manner in which a copyright society may publish its Tariff Scheme under sub-section (1) of section 33A;

(ccB) the fee which is to be paid before filing an appeal to the [4][Appellate Board] under sub-section (2) of section 33A;

(ccC) the form of application for renewal of registration of a copyright society and the fee which may accompany such application under sub-section (3A) of section 33;]

(cd) the conditions subject to which the copyright society may accept authorisation under clause (a) of sub-section (1) of section 34 and the conditions subject to which owners or rights have right to withdraw such authorisation under clause (d) of that sub-section;

(ce) the conditions subject to which a copyright society may issue licences, collect fees and distribute such fees amongst owners of rights under sub-section (3) of section 34;]

(cf) the manner in which the approval of the owners of rights regarding collection and distribution of fees, approval for utilisation of any amount collected as fees and to provide to such owners information concerning activities in relation to the administration of their rights under sub-section (1) of section 35;

(cg) the returns to be filed by copyright societies to the Registrar of Copyrights under sub-section (1) of section 36;]

(d) the manners of determining any royalties payable under this Act, and the security to be taken for the payment of such royalties;

[5][(da) the manner of payment of royalty under clause (j) of sub-section (1) of section 52;

[6]* * * * *]

(e) the form of Register of Copyrights to be kept under this Act and the particulars to be entered therein;

(f) the matters in respect of which the Registrar of Copyrights and the [7][Appellate Board] shall have powers of a civil court;

(g) the fees which may be payable under this Act;

(h) the regulation of business of the Copyright Office and of all things by this Act placed under the direction or control of the Registrar of Copyrights.

[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

[1] Cl. (a) omitted by Act 7 of 2017, s. 160 (w.e.f. 26-5-2017).
[2] Ins. by Act 27 of 2012, s. 39 (w.e.f. 21-6-2012).
[3] Ins. by Act 38 of 1994, s. 24 (w.e.f. 10-5-1995).
[4] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017).
[5] Subs. by Act 38 of 1994, s. 24, for sub-clause (da) (w.e.f. 10-5-1995).
[6] Cl. (db) omitted by Act 27 of 2012, s. 38 (w.e.f. 21-6-2012).
[7] Subs. by Act 7 of 2017, s.160, for "Copyright Board" (w.e.f. 26-5-2017). 3. Subs. by Act 23 of 1983, s. 23, for sub-section (3) (w.e.f. 9-8-1984).

Section 79. Repeals, savings and transitional provisions

(1) The Indian Copyright Act, 1914 (3 of 1914), and the Copyright Act of 1911 passed by the Parliament of the United Kingdom as modified in its application to India by the Indian Copyright Act, 1914 (3 of 1914), are hereby repealed.

(2) Where any person has, before the commencement of this Act, taken any action whereby he has incurred any expenditure or liabilities in connection with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such

reproduction or performance would, but for the coming into force of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who, by virtue of this Act, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by the [1][Appellate Board].

(3) Copyright shall not subsist by virtue of this Act in any work in which copyright did not subsist immediately before the commencement of this Act under any Act repealed by sub-section (1).

(4) Where copyright subsisted in any work immediately before the commencement of this Act, the rights comprising such copyright shall, as from the date of such commencement, be the rights specified in section 14 in relation to the class of works to which such work belongs, and where any new rights are conferred by that section, the owner of such rights shall be-

(a) in any case where copyright in the work was wholly assigned before the commencement of this Act, the assignee or his successor-in-interest;

(b) in any other case, the person who was the first owner of the copyright in the work under any Act repealed by sub-section (1) or his legal representatives.

(5) Except as otherwise provided in this Act, where any person is entitled immediately before the commencement of this Act to copyright in any work or any right in such copyright or to an interest in any such right, he shall continue to be entitled to such right or interest for the period for which he would have been entitled thereto if this Act has not come into force.

(6) Nothing contained in this Act shall be deemed to render any act done before its commencement an infringement of copyright if that act would not otherwise have constituted such an infringement.

(7) Save as otherwise provided in this section, nothing in this section shall be deemed to affect the application of the General Clauses Act, 1897 (10 of 1897), with respect to the effect of repeals.

[1] Subs. by Act 38 of 1994, s. 24, for sub-clause (da) (w.e.f. 10-5-1995).

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