

Copyright (Amendment) Act, 2012, (Central)

Section 2 - Amendment of Section 2

In section 2 of the Copyright Act, 1957 (14 of 1957.) (hereinafter referred to as the principal Act),--

(i) in clause (f), the portion beginning with the words "on any medium" and ending with the words "produced by any means" shall be omitted;

(ii) after clause (f), the following clause shall be inserted, namely:-

'(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)

(iii) for clause (ff), the following shall be substituted, namely:-

'(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;'

(iv) in clause (qq), the following proviso shall be inserted, namely:-

"Provided that in a cinematograph film a person whose performance is casual or incidental in nature and, in the normal course of the practice of the industry, is not acknowledged anywhere including in the credits of the film shall not be treated as a performer except for the purpose of clause (b) of section 38B;"

(v) after clause (x), the following clause shall be inserted, namely:-

'(xa) "Rights 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;';

(vi) after clause (xx), the following clause shall be inserted, namely:--

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

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