

Copyright Act, 1957

Section 38B - Moral rights of the performer.—The performer of a performance shall, independently of his right after assignment,

- (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 performers reputation.]

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[39. Acts not infringing broadcast reproduction right or performers right. 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.]

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[39A. Certain provisions to apply in case of broadcast reproduction right and performers rights. 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 performers 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 performers 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 performers 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.]