

Copyright Act, 1957

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; [and]

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

(b) ³ ["work of architecture"] means any building or structure having as 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) a ⁴ [work of architecture]; and

(iii) any other work of artistic craftsmanship;

(d) "author" means,--

(i) in relation to a 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 on any medium produced through a process from which a moving image may be produced by any means 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;]

⁸ [(ff) "communication to the public" means making any work 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 copies of such work regardless of

whether any member of the public actually sees, hears or otherwise enjoys the work 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;

(ffa) "composer", in relation to a musical work, means the person who composes the music regardless of whether he records it in any form of graphical notation;

(ffb) "computer" includes any electronic or similar device having information processing capabilities;

(ffc) "computer programme" means a set of instructions expressed in words, codes, schemes or in any other form, including a machine readable medium, capable of causing a computer to perform a particular task or achieve a particular result;

(ffd) "copyright society" means a society registered under sub-section (3) of section 33;]

(g) "delivery", in relation to a lecture, includes delivery by means of any mechanical instrument or by ⁹ [broadcast];

(h) "dramatic work" includes any piece of 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;

¹⁰ [(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;

¹¹ [(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;]

¹² [(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;

¹³ [(o) "literary work" includes computer programmes, (abies and compilations including computer ¹⁴ [databases);]

¹³ [(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;]

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

[13](#) [(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;]

[15](#) [***]

(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 [16](#) [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 [17](#) [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;

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

(v) [19](#) [***]

(w) [20](#) [***]

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

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

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

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

(ii) a cinematograph film;

(iii) a [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.

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1. The word "and" omitted by Act 38 of 1994, sec. 2 w.e.f. 10-5-1995
 2. Inserted by Act 38 of 1994, sec. 2 w.e.f. 10-5-1995.
 3. Substituted by Act 38 of 1994, sec. 2 for "architectural work of art" w.e.f. 10-5-1995.
 4. Substituted by Act 38 of 1994, sec. 2, for "architectural work of art" w.e.f. 10-5-1995.
 5. Substituted by Act 38 of 1994, sec. 2, for sub-clauses (v) and (vi) w.e.f. 10-5-1995.
 6. Inserted by Act 23 of 1983, sec. 3 w.e.f. 9-8-1984.
 7. Substituted by Act 38 of 1994, sec. 2, for clause (f) w.e.f. 10-5-1995.
 8. Inserted by Act 23 of 1983, sec. 3 w.e.f. 9-8-1984 and Substituted by Act 38 of 1994, sec. 2 w.e.f. 10-5-1995.
 9. Substituted by Act 23 of 1983, sec. 2, for "radio-diffusion" w.e.f. 9-8-1984.
 10. Inserted by Act 65 of 1984 sec. 2 w.e.f. 8-10-1984.
 11. Substituted by Act 23 of 1983, sec. 3, for clause (1) w.e.f. 9-8-1984.
 12. Substituted by Act 38 of 1994, sec. 2, for clause (m) w.e.f. 10-5-1995.
 13. Substituted by Act 38 of 1994, sec. 2 w.e.f. 10-5-1995.
 14. Substituted by Act 49 of 1999, sec. 2, for "data basis" w.e.f. 15-1-2000.

15. Clause (r) omitted by Act 38 of 1994, sec. 2 w.e.f. 10-5-1995.
 16. Inserted by Act 65 of 1984, sec. 2 w.e.f. 8-10-1984.
 17. Substituted by Act 38 of 1994, sec. 2 (xii), for "recordEw.e.f. 10-5-1995.
 18. Inserted by Act 38 of 1994, sec. 2 w.e.f. 10-5-1995.
 19. Clause (v) omitted by Act 23 of 1983, sec. 3 w.e.f. 9-8-1984.
 20. Clause (w) omitted by Act 38 of 1983, sec. 2 w.e.f. 10-5-1995.
 21. Substituted by Act 38 of 1994, sec. 2, for clause (x) w.e.f. 10-5-1995.
 22. Substituted by Act 38 of 1994, sec. 2 for "recordEw.e.f. 10-5-1995.
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